

PENDLETON COUNTY

ADMINISTRATIVE CODE

June 2009

PENDLETON COUNTY

ADMINISTRATIVE CODE

ORDINANCE NO. 230.5

AN ORDINANCE RELATING TO THE ESTABLISHMENT OF AN ADMINISTRATIVE CODE FOR THE PURPOSE OF SOUND AND EFFICIENT ADMINISTRATION OF COUNTY GOVERNMENT UNDER AUTHORITY OF KRS 68.

BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF PENDLETON, COMMONWEALTH OF KENTUCKY.

One section of KRS 68 states in part that:

The fiscal court shall adopt a county administrative code, which includes, but is not limited to, procedures and designation of responsibility for:

1. General Administration of the office of county Judge/Executive, county administrative agencies and public authorities;
2. Administration of county fiscal affairs, including budget formulation, receipt and disbursement of county funds and preparation of records required for the county audit, and for filing claims against the county;
3. Personnel administration, including description and classification of non – elected positions, selection, assignment, supervision and discipline of employees, employee complaints and the county affirmative action program;
4. County purchasing and award of contracts;
5. Delivery of county services; and

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INTRODUCTION

PURPOSE AND AUTHORITY

House Bill Number 33, dated Thursday, February 23, 1978, was enacted by the General Assembly of the Commonwealth of Kentucky to create a new section of KRS 68 for the purpose of sound and efficient administration of county government. Also, in 1986 Senate Bill 352 amended KRS 68 to include among other things an annual review of the county administrative code.

One section of KRS 68 states in part that:

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2. Administration of county fiscal affairs, including budget formulation, receipt and disbursement of county funds and preparation of records required for the county audit, and for filing of claims against the county;
3. Personnel administration, including description and classification and non-elected positions, selection, assignment, supervision and discipline of employees, employee complaints and the county affirmative action program;
4. County purchasing and award of contracts; and
5. Delivery of county services.

The Fiscal Court shall review the county administrative code annually during the month of June and may by a two-thirds majority of the entire Fiscal Court amend the county administrative code at that time. The County Judge/Executive may at other times prepare and submit amendments to the code for the approval of a majority of the Fiscal court KRS 68.

The County Judge/Executive, as the chief executive officer of the county, is directly responsible for the organization and management of the administrative functions of county government. While it is the fiscal court, which determines county needs and

policies and priorities for meeting those needs, it is the Judge/Executive who must see that these policies and priorities are effectively and properly executed.

It should be noted, this code (all parts) is not a contract and is not intended to be such. This code provides a comprehensive tool for administration that is consistent with statutory requirements. This code provides limitations, general rules, guidelines, etc., as well as the desires of the community as represented by the members of the Fiscal Court.

CHAPTER 1

GENERAL ADMINISTRATION

Section 1.1 - County Judge/Executive

- A. The County Judge/Executive shall be the chief executive of the county and shall have all the powers and perform all the duties of an executive and administrative nature consistent with the Kentucky Constitution, Kentucky Revised Statutes and the Fiscal Court. The responsibilities and/or duties of the County Judge/Executive are prescribed in KRS Chapter 67 and Chapter 68.

Organization of County Functions

1. The Judge/Executive may create, abolish, or combine any county department or agency or transfer a function from one to another, provided that he/she shall first submit plans for such reorganization to the fiscal court. If not disapproved within sixty (60) days, the plans shall become effective.

Special Districts

2. The Judge/Executive or County Judge/Executive of multi-county districts may, with approval of the fiscal court or fiscal courts, create any special district, or abolish or combine any special district, provided such district was created solely by the County Judge/Executive or County Judge/Executives, or solely by one or more such the fiscal courts.

County Representation

3. The Judge/Executive shall assure the representation of the county on all boards, commissions, special districts and multi-county programs in which county participation is called for.

Section 1.2 – Procedures for Deputy Judge/Executive

- A. The Judge/Executive may designate by written order within thirty (30) days of assuming office, a Deputy Judge/Executive who shall serve, consistent with KRS 67, as Judge/Executive in the absence of the Judge/Executive.
- B. The Judge/Executive shall be deemed absent when he/she shall be physically absent from the county, or when sick, physically disabled, or prevented by other emergency beyond their control which prevents them from attending meetings of the fiscal court. A vacation, including one taken within the county, shall be considered an absence.
- C. Such appointment of a Deputy Judge/Executive shall continue, until such time as the Judge/Executive publishes a written revocation of the appointment or makes a new appointment.
- D. The Deputy Judge/Executive shall have all administrative powers as the Judge/Executive. The Deputy Judge/Executive shall not chair or vote on the fiscal court unless he/she is a member of the fiscal court.

Section 1.3 – Procedures for Appointment/Removal of Administrative Personnel And Members of Boards and Commissions

- A. The Judge/Executive shall nominate qualified persons to serve in administrative positions and on boards and commission and inform the fiscal court at a regular meeting. If the approval by the fiscal court of the nomination is required by state law, the fiscal court shall act on such nomination within sixty (60) days. If the fiscal court does not act on the nomination within the sixty (60) day period, said nomination shall be deemed rejected by the fiscal court. A majority of those fiscal court members present at a meeting shall vote in favor of the nomination, in order for it to be approved. The Fiscal Court shall not vote on a nomination during the meeting in which it was submitted to the Fiscal Court unless approval in unanimous.
- B. The fiscal court may require the nominee to appear at a public hearing for the purpose of questioning such nominee about matters, which relate to the position for which they have been nominated. Said nominee shall be notified by mail if this is the intention of the fiscal court. The fiscal court shall provide the nominee with an opportunity to make a statement to the fiscal court concerning their nomination and qualifications.
- C. No person shall be selected as a member of a board or commission or for an administrative position if such person holds or is employed in a position which is incompatible with the one for which nominated.

- D. In the event the fiscal court rejects the nominee, the Judge/Executive shall submit additional nominations, not to exceed three (3) for any one position; however, where fiscal court is required to approve by statute, any such position shall not be filled without fiscal court approval.
- E. When fiscal court approval of an appointment is not required by state law, the Judge/Executive shall make such appointments. Within thirty (30) days of making the appointment, the Judge/Executive shall notify the fiscal court of the appointment.
- F. With the approval of the fiscal court, the Judge/Executive shall make appointments to or remove members from such boards, commissions, and designated employees as the fiscal court, charter, law or ordinance may create. KRS 68.

Section 1.4 Procedures for Organization/Reorganization of County Department and Agencies

- A. The Judge/Executive shall submit to the fiscal court a written plan, which describes the services and functions to be performed by each department, agency, commission, or special district to be created. If not disapproved within sixty (60) days, the plans shall become effective KRS 67.
- B. The plan shall include an organizational chart showing the relationship of each department, agency, commission, or special district to each other and the lines of authority. The chart shall be maintained in current condition and shall be available for public inspection during office hours.
- C. The reorganization plan shall be submitted to fiscal court for review and available for public inspection thirty (30) days prior to its effective date.
- D. The Judge/Executive or the fiscal court may cause the records and accounts of any administrative agency to be examined at any time.

Section 1.5 – Procedure for Administrative Agencies

By the first day of July of each year, before a district budget takes effect and after the uniform financial information report required by KRS is submitted to the Governor's Office for Local Development, a district shall:

- A. File with the county clerk of each county with territory in the district a certification showing any of the following information that has changed since the last filing by the district:
 - 1. The name of the district;
 - 2. A map or general description of its service area;

3. The statutory authority under which it was created; and
 4. The names, addresses, and the date of expiration of the terms of office of the members of its governing body and chief executive officer;
- B. Submit for review a copy of the district budget, financial statement if prepared, and audit when performed, with the fiscal court of each county with territory in the district; and
 - C. Publish, in lieu of the provisions of KRS 424, but in compliance with other applicable provisions of KRS Chapter 424, the names and addresses of the members of its governing body and chief executive officer, and either a summary financial statement, which includes the location of supporting documents, or the location of district financial records which may be examined by the public.

Section 1.6 Procedures for administration of county properties and facilities.

Any facility or operations owned or administered by the county may be governed by the adoption of a fiscal court resolution.

CHAPTER 2

FINANCIAL MANAGEMENT

Section 2.1 – Budget Preparation Procedures

- A. The County Judge/Executive shall prepare a proposed budget for review and adoption by the Fiscal Court as provided in KRS Chapter 68, as well as any rules and regulations prescribed by the State Local Finance Officer.
- B. On or before April 1 of each year, every county agency, department, public authority and county office that receives county funds shall submit to the County Judge/Executive a **written** budget request showing the amount of funds requested and a brief explanation of the need for such funds.
- C. On or before April 1 of each year the County Judge/Executive, County Treasurer and Jailor shall prepare and submit a Jail budget to the Fiscal Court, as required by KRS 441.
- D. The County Judge/Executive shall submit the complete proposed budget and estimate of receipts to the Fiscal Court not later than May 1 of each year. (KRS 68)

- E. The County Judge/Executive shall cause a copy of the proposed budget to be posted in a conspicuous place in the courthouse near the front door seven (7) days before final adoption. (KRS 68)
- F. The County Judge/Executive shall cause an advertisement notice of adoption of the budget ordinance to be published in a newspaper of general circulation in the County at least seven, but not more than twenty-one days before final adoption by the Fiscal Court. (KRS 424)
- G. The County Judge/Executive shall cause a **summary** of the budget ordinance to be published in a newspaper of general circulation in the County at least seven (7) days before final adoption by the Fiscal Court. (KRS 68) Note: This and the preceding notice may be advertised together, so long as the notice time requirements are correct.
- H. Not less than twenty (20) days before the time for adoption of the county budget, the County Judge/Executive shall submit two (2) copies of the proposed budget, including statements of both anticipated receipts and expenditures by budget funds, to the State Local Finance Officer for approval as to form and classification. (KRS 68)
- I. The County Judge/Executive shall certify to the State Local Finance Officer a copy of the original budget ordinance as approved by his/her office within fifteen (15) days of adoption, indicating clearly all changes made by the Fiscal Court. (KRS 68)
- J. Within thirty days of adoption of the budget ordinance by the Fiscal Court, the County Judge/Executive shall cause a summary of the budget ordinance to be published in a newspaper of general circulation in the County. (KRS 424)
- K. The County Judge/Executive shall maintain a copy of the budget as adopted, together with any amendments adopted thereafter, for public inspection.
- L. The Finance Officer shall obtain from the Sheriff an annual settlement, showing County taxes collected, not later than May 1 of the current year.
- M. The Finance Officer shall obtain from the Property Valuation Administrator, an official estimate of net assessment growth and an estimate of the ad valorem taxes that would be produced using the proceeding year's tax rate.

Section 2.2 – Budget Duties and Procedures of the Fiscal Court

- A. The Fiscal Court shall review in detail the proposed budget that the County Judge/Executive has prepared and submitted.
- B. The review shall be conducted at a meeting or meetings held not later than June 1 of each year, and shall include a detailed investigation of each separate activity of the

county for which the County Judge/Executive proposes that county funds are to be expended by the Fiscal court. (KRS 68)

- C. The Fiscal Court shall comment upon the proposed budget, and may amend it according to its desires prior to the date when it is sent to the state local finance officer. (KRS 68)
- D. The budget approved by the State Local Finance Officer shall be submitted to the Fiscal Court for adoption not later than July 1, per (KRS 68). If the Fiscal Court rejects any part of the proposed budget it shall make the changes in the nature and amount of funds a majority of the court considers desirable, but it has no power to make any change in the form or classification of the budget units or subdivisions of units. (KRS 68)

Section 2.3 – County Road Aid and Local Government Economic Assistance Public Hearing and Budget Process

- A. County Road Aid Fund (CRA) and Local Government Economic Assistance (LGEA) Fund
 - 1. The Judge/Executive will publish a notice of the proposed use hearing on the CRA fund and LGEA fund not less than seven (7) nor more than twenty-one (21) days in advance of the scheduled hearing.
 - 2. The Judge/Executive shall conduct the proposed use hearing.
 - 3. Copies of the published notice and written minutes of the hearing shall be maintained by the Judge/Executive as public record.
- B. Prior to adoption of the county budget and submittal to the state local finance officer, the first reading shall be conducted by the fiscal court on the entire county budget to show the relationship of the County Road Aid fund and the Local Economic Assistance Fund used to other funds and used therein.
- C. Notice of the 1st reading of the entire county budget shall be not less than seven (7) nor more than twenty-one (21) days prior to the scheduled reading.

Section 2.4 – Procedures for County Treasurer

- A. County funds shall be paid out only on order of fiscal court.
- B. No expenditures may be made in excess of revenues or for purchases other than appropriated.
- C. No appropriations may be made which exceed adopted budget amounts.

- D. The treasurer shall keep a record of each budget appropriation, all expenditures from the appropriation and each budget fund. This record is called the Appropriation Expenditure Ledger.
- E. The treasurer shall maintain a general ledger in which all transactions are entered, either in detail or summary. Each fund (General Fund, Road Fund, etc.) has a complete balancing set of General Ledger Accounts. Control accounts are established for the Cash Receipt Register and the Appropriation Expenditure Ledger.
- F. The treasurer shall maintain a Cash Receipts Register containing columns for total cash received, source of revenue, and miscellaneous revenue for each fund.
- G. The treasurer shall maintain an Appropriation Expenditure Ledger. This ledger is a group of accounts supporting in detail the appropriation and expenditure accounts of the general ledger. An account must be provided for each appropriation made in the budget. The original appropriation shall be entered, as well as, all amendments and transfers authorized by order of the Fiscal Court. All expenditures shall be charged to an appropriation account.
- H. The treasurer shall maintain a record of all warrants paid (except payroll) in chronological order in a warrant distribution register. Columns are provided for date, payee, warrant number, appropriation expenditure account number, and amount. All warrants for the payment of funds from the county treasury shall be co-signed by the county treasurer and the County Judge/Executive. (KRS 68.020(1)).
- I. The treasurer shall maintain a Payroll Authorization Book which is designed to facilitate convenient preparation and certification of the payroll. An order of the Fiscal Court may be made to authorize payment for all employees for more than one payroll period.
- J. The treasurer shall maintain an Individual Earnings Record for each employee, including gross earnings, deductions, and net pay at the time computed, and other records required by KY Wage and Hour Law and the Fair Labor Standards Act.
- K. The treasurer shall maintain a Notes Payable Register, which provides information on notes for temporary loans in anticipation of the current year's revenue, indicating the principal amount, interest rate, due date, fund, and other necessary details.
- L. The treasurer shall maintain a Bond Register, which records the history and authorization of each bond issue including whether they are general obligation bonds, revenue bonds, or special levy bonds. A separate sheet shall be prepared for each issue.
- M. The treasurer, when directed by the Fiscal Court, shall invest the funds of the county pursuant to KRS 66 (KRS 68)

- N. The treasurer shall balance the books as soon as feasibly possible each month, so as to show the correct amount on hand belonging to each fund on the day the balance is made, and shall at the first fiscal court meeting of the month file with the county judge executive and fiscal court a monthly statement containing a list of warrants paid during the month, all cash receipts and the cash balance at the beginning and end of the month, and certifying that each warrant or contract is within the budget appropriations.

Section 2.5 – Procedures for Fiscal Administration, County Judge/Executive

- A. At the beginning of each fiscal year the total amount of the appropriation represents the free balance or unused appropriations amount for each account.
- B. As expenditures are made during the year, the amount of the expenditure is subtracted from the free balance to keep an accurate record of the exact amount of the unused appropriation at any time.
- C. When an item is ordered, the free balance is encumbered in that amount, although it may be considerable time before the actual expenditure occurs.
- D. The Judge/Executive shall write and sign all warrants, thus directing the treasurer to make a payment authorized by the Fiscal Court. The treasurer will maintain a record of such warrants.
- E. The County Judge/Executive shall, within fifteen (15) days after the end of each quarter of each fiscal year, prepare a financial statement showing for the current fiscal year to date actual receipts from each county revenue source, totals of all encumbrances and expenditures charged against each budget fund, the unencumbered balance of the fund, and any transfers made to or from the fund. This statement shall be posted in a conspicuous place near the front door of the court house for at least ten (10) consecutive days, and a copy shall be transmitted to the fiscal court and to the state local finance officer. The statement shall be read at the next meeting of the Fiscal Court. (KRS 68)
- F. At the close of each fiscal year, the Judge/Executive will be responsible for the preparation of records necessitated by the annual county audit and audit of the Judge/Executive's office. The annual audits may be conducted by the state auditor of public accounts or a certified public accountant.

Section 2.6 – Claims against the County

- A. The County Judge/Executive shall account for all claims against the county.
- B. All claims against the county shall be tracked through a purchase order system managed by each department head. Any purchase order in an amount over two hundred dollars (\$200.00) shall be approved and signed by the County

Judge/Executive. Any purchase order created by or made by anyone **under contract** to the county over one hundred dollars (\$100.00) shall be approved and signed by the County Judge/Executive. Any purchase order over the amount of \$5,000.00 shall be approved by the fiscal court as outlined in Chapter 5, Section 5.6.

- C. All claims for payment from the county shall be filed in writing and in a form prescribed by the County Judge/Executive.
- D. Each claim shall be recorded by date or receipt and presented to the Fiscal Court at its next meeting.
- E. Each claim shall designate the budget fund and classification from which the claim will be paid and each warrant shall specify the budget fund and classification.
- F. Each order of the Fiscal Court disapproving a claim shall state the reason for the disapproval of the claim.
- G. The payroll for county officials and regular county employees, as well as, other recurring payments such as interest and principal on bonded debt, that the Fiscal Court may designate shall not require monthly Fiscal Court Approval.
- H. The depositor of county funds shall not honor any warrant on the county unless it is signed by both the County Judge/Executive and the County Treasurer. In the absence of the Judge/Executive, the Deputy Judge/Executive may sign.
- I. All offices collecting county or state monies shall utilize a daily deposit on drawing interest on a daily basis until settlement is made to state and county. County fees shall be remitted to the County no later than the 10th day of each month following the month of collection unless a written waiver is given by the Fiscal Court.
- J. All county departments collecting revenue in an amount exceeding \$200.00 shall make deposits with the County Treasurer on a daily basis. All other revenue collected shall be deposited with the County Treasurer on a weekly basis.

CHAPTER 3

PERSONNEL ADMINISTRATION

POLICIES AND PROCEDURES

Section 3.1 – General Provision

STATEMENT OF PURPOSE

- A. These policies help provide for the recruitment, development, and retention of the best employee for each position within the service of Pendleton County.
1. Recruiting, selecting, and advancing employees on the basis of their ability, knowledge, and skills, including open competition of qualified applicants for initial appointment.
 2. Establishing proper pay rates.
 3. Training employees, as needed, to assure high quality performance.
 4. Retaining employees on the basis of performance; correcting inadequate performance and terminating employees when appropriate.
 5. Assuring treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, disability, race, color, age, national origin, sex, religion or any other status protected by applicable law.
 6. Assuring that employees are protected against coercion for partisan, political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the results of an election of a nomination for office.

ADMINISTRATION OF THE PLAN

- A. Pursuant to KRS 67 the County Judge/Executive is the chief executive of the county. The County Judge/Executive, by law, shall have all the powers and perform all the duties of an executive and administrative nature vested in, or imposed upon the county or its fiscal court. The Judge/Executive is responsible for the proper administration of the affairs of the county placed in his charge. Pursuant to KRS 67, the County Judge/Executive, with the approval of the fiscal court, has the authority to appoint, supervise, suspend, and remove county personnel, unless otherwise provided for by state statute. Notwithstanding the provisions of KRS 67 gives the County Judge/Executive express authority to hire a Deputy County Judge/Executive, and a reasonable number of other assistants, secretaries and clerical workers to work within the Judge/Executive's office, who shall serve at his/her pleasure. The Fiscal Court, pursuant to KRS 64, is required to fix reasonable compensation for these positions.

The County Judge/Executive is hereby designated as the county personnel administrator. In this capacity the Judge/Executive may delegate such duties and functions, as he/she deems appropriate. The County Judge/Executive is also the Executive Authority for the county government of Pendleton County, as such title is used herein. The Judge/Executive may delegate such duties and functions, as he/she deems appropriate.

B. Interpretation and Employment Relationship

These policies are intended to provide some guidance on many personnel problems and actions, which may arise. These policies are not an employment contract. Unless a statute indicates otherwise, employment with the County is at-will. This means that employees may terminate their employment at any time for any reason without breaching an "employment contract," just as the County can do the same. County employees acquire no property rights in or to their employment with the County. Because the policies are not an employment contract, the County can modify and interpret them at any time. However, the only way the County may modify at-will employment would be to execute a written contract signed by the employee and a County Official authorized to contract on behalf of the County. Currently, statutes in Kentucky modify the employment relationship for some police personnel, but other employees remain at-will. The policies in this handbook do not supersede federal or state law. Accordingly, the County police merit board and their rules govern where they conflict with these policies.

SCOPE OF COVERAGE

A. The following county employees are expressly exempted from coverage:

1. All elected officials.
2. All members of boards and commissions of the county.
3. Consultants, advisors, and counsel rendering temporary professional service.
4. Independent Contractors.
5. Employees of the County Clerk, Coroner, Jailer, County Attorney and Sheriff.
6. Employees made available to the county by other agencies.
7. Members of volunteer organizations.

B. All county employment positions not expressly exempted from coverage by these policies shall be subject to the provisions herein.

C. Each department within the county shall adopt a policies and procedures manual to coincide with this administrative code for addressing department specific problems and disciplinary issues. The Fiscal Court must approve all policies and procedures manuals.

DEFINITIONS

Where used within these personnel rules, the following words and terms shall have the meaning indicated below:

Allocation – The assignment of an individual position to specific class of work based on the kind, difficulty, skill and responsibility of the work performed.

Appeal – The right to appear before the Judge/Executive and be heard on matters of discrimination, unfair practices and other rights of applicants or county personnel under these policies.

Appointing Authority – That person or body having authority under the laws of the State of Kentucky to make appointments to positions. Unless otherwise specified, the appointing Authority shall be constructed to mean Judge/Executive.

Appointment – The act of appointing authority by which a position is filled.

CERS – County Employee Retirement System

Class – A group of positions in the county personnel system sufficiently similar in duties, responsibilities and minimum requirements of training and experience so that the same title and pay may be assigned, equitably, to each position in the group.

Class Specification – The official written description of a class of work.

Classification – The process of allocating positions to classes of work and classes of pay grades, so that individuals are employed and compensated on the basis of merit, fitness and actual duties and responsibilities so that there exists equal pay for equal work.

Demotion – Changing of any employee from one class of work to a different class of work at a lower pay grade.

Designated Administrative Position – A position designated as salaried exempt.

Dismissal – The termination of employment for disciplinary reasons or an inability to perform the essential functions of the positions.

Employee – An individual legally employed to perform the duties and carry out the responsibilities of a position. In classifying, it is the duties and responsibilities of a position, not the employee, that must be considered.

Fringe Benefits – Health insurance, Life Insurance, County Retirement.

Full-Time Employee – An employee regularly scheduled to work at least forty (40) hours per week. Only full-time employees qualify for county fringe benefits.

Grade of Pay Grade – The numerical designation of a fixed salary range assigned to a position, class or group of classes.

Insubordination – Not submissive to authority; disobedient

Incapacitated - Unfit for normal physical activity such as those performed during normal work activities and/or duties.

Layoffs – Means the involuntary separation of an employee from his position and class due to a reduction in work force.

Officer – Any elected official holding one of the constitutional county offices who has powers and duties granted directly, or by implication by the county, perform them independently without supervision.

Overtime – Time worked in excess of forty (40) hours in a workweek.

Performance Rating – An appraisal or evaluation of an employee's work performance.

Permanent Part-Time – Any employee whose job duties require the employee to average 100 hours of work per month in a Fiscal Year (July 1 Through June 30).

Position – An individual job within the county's personnel system.

Position Description – A detailed written description of the specific duties assigned to and performed by a particular employee.

Probationary Period – A working test normally established as three (3) months, during which an employee is required to demonstrate by actual performance, his or her fitness to perform the duties of the position to which appointed. Upon justification to the appointing authority and notification to the employee involved, a department head may extend the probationary period beyond three (3) months.

Reallocation – Changing a position from one class of work to a different class of work based upon substantial changes in duties and responsibilities.

Resignation – Means the voluntary termination of employment by an employee.

Retirement – Means the termination of employment and transfer to retired status on an employee.

Standard WorkDay – A standard workday for county employees is eight (8) hours.

Termination – The separation of an employee from the county personnel system by resignation, retirement, layoff, dismissal or death.

HOURS OF WORK

- A. Non Supervisory full-time employees shall work at least forty (40) hours per week, unless otherwise prescribed by the Fiscal Court.
- B. An employee whose duties require an irregular work schedule shall work according to a schedule recommended by his supervisor.
- C. Overtime work shall be approved in advance by supervisor.

PERSONNEL RECORDS

- A. For each county employee, a personnel file shall be maintained in the office of the County Judge.
- B. The file shall include but not be limited to:
 - 1. Employee's name and permanent address
 - 2. Position Title
 - 3. Departmental Assignment
 - 4. Salary
 - 5. Past changes in employment status with the county
 - 6. Fair Labor Standard Act Requirements
 - 7. Additional Information as may be required
- C. All I-9 forms, equal employment opportunity data and records relating to medical conditions shall be kept in separate files independent from the personnel record and each other.
- D. Beginning the first day of employment, all new employees shall report to the County Judge/Executive's office to supply any information needed to complete personnel records, execute payroll withholding authorization, and enroll in the applicable employee benefit programs.

SUPERVISION

The Judge/Executive is responsible for the supervision of county employees. This responsibility may be delegated to appropriate department heads and supervisors.

EMPLOYEE RECORDS

It shall be the obligation of the employee to maintain current information by notifying the County Judge/Executive's office of all changes in personal or family status, home address, home telephone number, or other changes which would affect payroll/withholding or employee benefits.

PERSONAL CONDUCT AND GROOMING

Images presented and statements by all employees of the county can affect the entire organization; therefore, employees are expected to be friendly, courteous, and appropriately dressed at all times.

SAFETY

The health and safety of all county employees is of major importance. The county is anxious to make everyone's job safe in all respects; therefore, all employees shall report all hazardous conditions in their work area at once to their immediate supervisor. All injuries should be reported immediately to their supervisor and within 24 hours to the County Judge/Executive's office. An employee who fails to report an accident and/or fill out the Worker's Compensation Form within the time period above is a subject for disciplinary action.

During employee orientation, all Pendleton County Employees will be given a Safety and Health Manual with guidelines and directives in which they are to follow and comply. This manual is adopted and/or amended through resolution adopted by the Pendleton County Fiscal Court.

CREDENTIALS

If it should come to the attention of the Judge/Executive, that an employee was hired on the basis of false credentials, said employee will be subject to immediate disciplinary action up to and including dismissal.

Section 3.2 – Employment Process

The procedures for filling vacancies in full-time or part-time positions or additional newly established full-time or part-time positions shall consist of accepted professional personnel practices:

PLACEMENT POLICY

- A. Appointment to a position with the county shall be made only after the Judge/Executive certifies that the person considered meets all minimum qualifications prescribed for a particular class or position. The Judge/Executive shall nominate all county vacant positions subject to approval of the Fiscal Court.

- B. This policy includes current employees who request a transfer or promotion to a vacant position, as well as, new applicants for employment or re-employment.

ANNOUNCEMENT OF VACANT POSITIONS

All announcements of vacant positions shall include where to apply and all written announcements of vacant positions shall contain the following statement: "An Equal Opportunity Employer."

APPLICATION FOR POSITION

- A. Application forms completed by applicants for positions shall include:
 - 1. Information about the applicant's training, experience and character.
 - 2. Such additional information as required to effectively evaluate the applicant's ability to perform and duties required by the position.
- B. No person may be appointed to a position unless verified information on an official application form indicates that the person meets the qualifications for the position set forth in the class specification.
- C. All application forms must be signed by the applicant.

CERTIFICATION ELIGIBILITY FOR POSITION

The qualifications of an applicant for a position shall be ascertained on the basis of one or more of the following:

- A. Information the applicant supplies on the official application form.
- B. Written, performance, or physical test or examinations, or any combination which may be required by the County.
- C. Personal Interview.
- D. Information and evaluations supplied by references given by applicant on the application form.
- E. Initial and Random Drug Screens.
- F. Other appropriate information as determined.

PROVISIONAL APPOINTMENT

- A. In the cases where vacancies cannot be filled from within the county service and the county must advertise the position(s), provisional appointments may be made for a period not to exceed six (6) months.
- B. Provisional appointments shall terminate as soon as the position may be filled by a qualified person in accordance with these policies and procedures.
- C. The Judge/Executive may make appointments and allow the employee to commence work before Fiscal Court approval when an emergency exists.

EMPLOYMENT OF RELATIVES (NEPOTISM)

See Ethics Code.

ORIENTATION OF NEWLY EMPLOYED PERSONNEL

- A. An orientation will be made available to all new employees as soon as possible after their first day of employment.
- B. The orientation shall consist of at least the following:
 - 1. Explanation of the purpose and goals of the County.
 - 2. Overview of the county history, structure and operations.
 - 3. Overview of management policies and administrative procedures.
 - 4. Employee benefits.
 - 5. All employees shall receive a copy of the personnel policy of the administrative code.
 - 6. Review of job description for position.
 - 7. Other elements deemed appropriate.

EXIT INTERVIEW

- A. Employees departing from employment with the county are encouraged to participate in an exit interview. This will enable the administration to obtain information regarding why the employee resigned, forwarding address (if necessary), and any required signatures.
- B. The department employee should bring any keys, uniform and other county property not previously returned to the exit interview.

Section 3.3 – Condition of Employment

NEW HIRE

- A. For the first three months of employment, an employee shall receive compensation at a rate that has been established by the County Judge/Executive and Fiscal Court
- B. For the first three months of employment, an employee is not eligible for the fringe benefits as provided by the county in this code Section 3.1. Holiday Pay, Sick hours, Personal Leave, Bereavement Leave and Vacation time are not considered fringe benefits and will accrue from date of hire.

TRANSFER

Any full-time employee may request a transfer from one position to another such position, provided the position to which the employee transferred is one for which he/she possesses the qualifications, and provided that the position applied for is vacant. A transfer can only be made through a recommendation of the County Judge/Executive by approval of the Fiscal Court.

PROMOTION

- A. A person may be promoted from one position to another only if he or she has the qualifications for the higher position. These qualifications shall be ascertained on the basis of job-related information, interviews, and evaluations of performance, training and experience. The same procedures as those authorized for ascertaining his or her qualifications for initial appointment to a position shall be followed.
- B. In the filling of a vacancy in a position above the entrance level, preference shall be given to promotion of present employees at the time the vacancy occurs. If, however, the appointing authority deems that the best interest lie outside the current workforce, he or she may fill the position by appointment of a person from outside the government.
- C. When such a vacancy occurs, the names of all persons who qualify for promotion, to the vacant position shall be presented to the Judge/Executive for consideration in filling the vacancy by promotion.

DEMOTION

The Judge/Executive may demote an employee for the following reasons:

A. Reasons for demotion:

1. For his/her inability to carry out duties in accordance with the standards prescribed for his/her position or these rules.
2. For disciplinary reasons.

B. Alternative positioning for employee:

1. The employee, who at the time of demotion, may return to a vacant position in lieu of a layoff providing he/she meets the minimum qualifications for the position to which he/she is applying.

PROGRESSIVE DISCIPLINE

Generally, the Pendleton County Fiscal Court believes in the application of progressive discipline. However, the county reserves the right to skip any step or requirement in the disciplinary action sequence outlined below depending on the severity of the misconduct or when the facts or circumstances otherwise warrant. Further, it is also noted that in establishing the following disciplinary procedures it is specifically not the county's intention to create any employment situation that compromises its at-will employment status. As expressly stated in these policies' *Statement of Purpose*, nothing in these policies is intended to create a contract of employment. Any individual may voluntarily leave employment or may be terminated by the county at any time, for any lawful reason, or for no reason at all. Any oral, written statements, custom or course of dealing to the contrary are hereby expressly disavowed.

When an employee fails to follow any rule, regulation, operating procedure or job requirement, one of the following measures shall apply, depending upon the circumstances involved and the severity of the offense:

A. Verbal Warning

1. In the case of a minor infraction, the immediate supervisor or department head shall administer the verbal reprimand as soon as possible after the offense.
2. The date of the verbal reprimand, along with a description of the occurrence which prompted the reprimand and any comments the employee may have made, shall be noted by the person giving the reprimand in his/her own supervisory file.

B. Written Warning

1. In the case of either a second minor infraction or a more serious first infraction, the immediate supervisor or department head shall give the employee written

warning specifying the reason(s) for such warning and noting any previous verbal and/or written warnings.

2. After issuing a written warning the county may choose to have the employee's performance reviewed on a daily basis for improvement. In doing so the county shall explain the consequences of continued infractions.
3. The employee shall sign the written warning or the warning shall be signed by a witness; a copy of the written warning shall be forwarded to the Personnel Officer to be placed in the employee's personnel file.

C. Suspension

1. After either a serious violation or repeated minor violations, the supervisor or department head may request, in writing, that the Executive Authority, suspend the employee with or without pay. The request shall include the reason(s) for the suspension, if any, along with details of previous disciplinary actions taken against the employee if any. The Judge/Executive may, at his discretion, suspend an employee without the recommendation of a supervisor.
2. The Executive Authority may suspend an employee for any period up to and including four (4) calendar weeks, depending upon the severity of the offense.
3. When a decision to suspend an employee is made, the Executive Authority shall provide written notification to the employee within three (3) working days. The notice shall include the reason(s) for the suspension, if any, and the duration of the suspension.
4. When an employee is suspended, the Judge/Executive shall present the suspension and reasons for suspension to the Fiscal Court for review and approval at the next meeting date of the Fiscal Court. Other Constitutional Officers may also exercise this authority.
5. Employees suspended without pay for a period of four (4) calendar weeks shall not accrue sick and vacation time while suspended.

D. Suspension With Pay

In a situation where the county has become aware of alleged misconduct by an employee which, if substantiated, could result in disciplinary action, the appointing authority may suspend the employee with pay if it is determined the action is necessary to assure public confidence in governmental oversight of its employees, or to assure the integrity of county's inquiry into the allegations.

In the event it is necessary to suspend an employee with pay, the following procedures shall be observed:

1. The county shall, if possible, immediately provide verbal notification to the employee, followed by written notification, within three (3) working days, informing him/her of the suspension and the nature of the allegations being investigated.
2. Consistent with existing personnel procedures, the county shall immediately begin an investigation into the allegations against the employee. This investigation shall be carried out expeditiously, and in no instances shall it be delayed beyond what is considered reasonable and necessary to conduct a complete investigation.
3. Upon reaching a determination as to the culpability of the employee, the appointing authority shall take action, as follows:
 - a. In the event the allegations against the employee are valid, the appointing authority shall invoke disciplinary action as deemed appropriate. These actions shall not include payment of wages in the event the suspension is extended beyond the investigative period; or
 - b. In the event the allegations against the employee are proven to be false, the employee shall immediately be reinstated to his/her position.
4. During the time an employee is on suspension with pay he/she is considered to be performing services for the county. Therefore, the employee must remain available to return to work within 24 hours of receiving written or verbal confirmation of his/her reinstatement from the appointing authority. In the event the employee is notified of this reinstatement verbally, the county shall provide written verification within one (1) working day.
5. Nothing in this policy or procedure should be construed as limiting the authority of the local government to suspend an employee without pay in those instances where such action is deemed appropriate.

E. Dismissal

1. When offenses are repeated, or misconduct is serious enough for discharge on the first offense, a supervisor or department head may recommend dismissal of any employee. The recommendation shall include the reason(s) for dismissal, if any, details of previous disciplinary action taken against the employee, if any, and the recommended effective date and time of discharge. The county judge/executive may, at his discretion, dismiss any employee without a supervisor's recommendation.

2. Upon review of the supervisor or department head recommendation to dismiss, and after receiving the approval of the fiscal court, the County Judge/Executive shall provide the employee with a Letter of Intent to Dismiss containing: (a) the reason(s) for dismissal, if any; (b) the details of previous disciplinary action(s) taken against the employee, if any; and (c) the recommended effective date and time of the intended discharge. Other Constitutional Officers operating under these policies shall also comply with this requirement, but do not have to have the approval of the fiscal court.

F. Common Infractions

The following is a list of common infractions. While this list does not include all actions that call for disciplinary action, it is intended as a guide to assist in avoiding activities that are in conflict with the principles and goals of any efficient work force.

1. Absenteeism, lateness, extended meal times;
2. Neglect of duty;
3. Abuse of sick leave;
4. Insubordination;
5. Theft, destruction, defacement or misuse of County property;
6. Leaving work without authorization;
7. Intoxication or use of intoxicants while on duty;
8. Reporting to work under the influence of drugs or alcohol
9. Unauthorized use of county property or vehicles;
10. Provoking or inciting a fight, or fighting during work hours;
11. Mistreatment (physical or verbal) of citizens or co-workers;
12. Willful neglect or abuse of county property;
13. Deliberate falsification of time records;
14. Conviction of a felony;
15. Improper discussion or disclosing of confidential information;
16. Failure to comply with established safety practices or procedures;
17. Harassment, including sexual harassment;
18. Supplying false information on employment application;
19. Incompetence or inefficiency on the job;
20. Violation of established employer policies;
21. Use of profanity or abusive language;
22. The illegal possession, use or attempted possession of firearms or other weapons;
23. Gambling on county property
24. Smoking in prohibited areas; or
25. Threatening or intimidating anyone including management, supervisors, security guards, fellow workers and citizens.

G. Conflict Resolution

When conflict arises between employees that cannot be resolved by the supervisor the parties may work with the Personnel Officer or Administrative Authority to find a resolution. A supervisor and or the Personnel Officer or Administrative Authority may require any employee to attend counseling by an outside agency to assist in resolving a conflict. When referred, attendance is mandatory and failure to comply will result in disciplinary action.

RESIGNATION

- A. An employee may be regarded as having resigned his or her position if he/she is able to notify his/her immediate supervisor of the reason for his/her absence, but fails to do so no later than four (4) hours after the beginning of his/her shift.
- B. An employee shall, in order to resign in good standing, give the County Judge/Executive written notice at least two (2) weeks before the date the resignation is to take effect. However, the Judge/Executive may agree to a shorter notice because of extenuating circumstances.
- C. An employee's resignation and the circumstances pertinent to it shall be recorded in his/her personnel file.
- D. The employment date of an employee who resigns and is reinstated or is dismissed and is re-employed shall be the date of re-employment. If the period between dismissal or resignation and reemployment is less than thirty (30) days retirement and medical insurance benefits are not effected as per KRS.78. Any vacation or sick time not paid at time of resignation or dismissal is forfeited.

GENERAL CONDUCT EXPECTATIONS

- A. Competent and efficient performance
- B. Honesty
- C. Obtainment of authorization for use of county property
- D. Proper conduct in performance of duties
- E. Accurate time reporting
- F. Observance of safety rules
- G. Proper, tidy attire
- H. Following indicated rules, regulations and procedures
- I. Dependability
- J. Regular attendance
- K. Employee's attendance at work, free of any intoxicants or illegal drugs
- L. Provision of proper authorization and notice for absences
- M. Behavior free from fighting or horseplay

RETIREMENT

Pendleton County does not have a mandatory retirement age.

Pendleton County may establish a mandatory retirement age, but only for those positions where age is a bona fide occupational qualification.

LAYOFF

- A. The County Judge/Executive shall submit in writing to the Fiscal Court for approval whenever he/she thinks a layoff of county workers is needed.
- B. In layoffs:
 - 1. The order of layoff shall be established on the basis of the needs of the county.
 - 2. Consideration shall be given to both the seniority and merit of persons considered for layoff.
 - 3. Part-time temporary, seasonal, and probationary employees in a class of positions shall be laid off before other persons in the class are laid off.
- C. Two weeks before the effective date of the layoff of a regular full-time employee (except in emergencies, upon approval of the Fiscal Court, the Judge/Executive shall:)
 - 1. Notify the employee of the layoff
 - 2. Explain the reasons for the layoff
 - 3. Certify whether an employees service has been satisfactory
- D. A copy of the notice shall be retained in the employee's personnel file.

REINSTATEMENT

- A. The Judge/Executive may, with fiscal court approval:
 - 1. Reemploy any former employee:
 - (a) Who has resigned from county employment with a good record.
 - (b) Who has been laid off because of lack of work or funds.

GRIEVANCES

An employee who has a grievance regarding working conditions or conditions of his employment by the county, should discuss the grievance with his/her supervisor. If, following the discussion with the supervisor the employee is not satisfied, he/she should discuss it with the county judge. If the grievance involves the County Judge/Executive, the employee should contact the Fiscal Court member who has been assigned through the continuity of government.

GRIEVANCE PROCEDURE FOR COMPLAINTS RELATING TO SUSPECTED OR ALLEGED DISCRIMINATION ON BASIS OF HANDICAPPED STATUS.

When any person, (Citizen, Applicant, or Employee) who believes he or she has been adversely effected by an act or decision by Pendleton County, KY, and that such act or decision was based on a protected class status shall have the right to process a complaint or grievance in accordance with the following procedures.

Step One – An aggrieved person must submit a written statement to the Judge/Executive setting forth the nature of the discrimination alleged and facts upon which the allegation is based.

Step Two – The Judge/Executive shall contact the complainant no later than fifteen (15) days after receiving the written statement to establish an informal meeting with the objective of resolving the matter informally. However, in no case shall the informal meeting be conducted sooner than five (5) days nor more than forty-five (45) days after receiving the written statement.

There shall be prepared a written document of the discussions at the informal meeting, which shall be preserved in the records of Pendleton County.

Step Three – In thus discussing the grievance, the complainant may designate any person of his choice to appear with him/her and participate in the discussion. The Fiscal Court shall require the Judge/Executive to participate in the discussion of the grievance, when it is brought before the Fiscal Court. The Fiscal Court shall issue a written decision on the matter within fifteen (15) days, and the decision shall be the final procedure for the complainant at the local level.

There shall be prepared a written documentary of the discussion at the hearing which shall be preserved in the records of Pendleton County, Kentucky.

Section 3.4 – Attendance, Leave and Fringe Benefit Provisions

EMPLOYEE BENEFITS

Employee benefits constitute a basic ingredient in personnel administration, and represent a substantial financial commitment by Pendleton County. However, it is expressly noted that the provision of any benefit to county employees is not intended to create any employment situation that compromises its at will employment status. As expressly stated in these policies Statement of Purpose, nothing in these policies is intended to create a contract of employment. All benefits are subject to the discretion of the Fiscal Court and may be changed from time to time based on the financial condition of the county as determined through the budget process.

STANDARD WORK WEEK

- A. The standard work week for county employees shall be forty (40) hours per week, unless otherwise specified by the Fiscal Court. Specific departmental work schedules

shall be prescribed by department heads, with the approval of the Judge/Executive. Work schedules for temporary and part-time employees shall be specified by the Judge/Executive according to the needs of the county and the rules and schedules stipulated for regular employees.

- B. Employees shall be at their place of work in accordance with prescribed schedules by supervisors.

HOLIDAYS

- A. The following days are declared paid holidays at the regular rate of pay for all full-time county employees.

- New Year's Day
- Martin Luther King Day
- Spring Holiday (1/2 Day)
- Memorial Day
- July 4th
- Labor Day
- Veterans' Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day
- New Years' Eve

- B. In addition to the above, any day may be designated as a holiday by proclamation of the Judge/Executive.
- C. The Judge/Executive may require offices located in the courthouse to remain open as required (i.e. county office to remain open when state offices are closed.)
- D. When any holiday listed above falls on Saturday or Sunday, the holiday may be observed on either Friday or Monday, as determined by the Judge/Executive, for those departments which do not operate on a 24 hours a day 7 days a week basis.

Those departments that operate on a 24 hours a day / 7 days a week basis will receive holiday pay as though the holiday had fallen on a weekday. Example: Christmas falls on Saturday, the individuals working that Saturday will receive 1 and ½ times their regular rate of pay, plus regular pay for the holiday. Those individuals, who do not work the Saturday, will receive regular pay for the holiday.

- E. In order for any employee to be paid for holiday, he/she must work the last scheduled day before and the first scheduled day after the holiday unless the absence(s) is/are approved by supervisor.

- F. Full time employees who are required to or scheduled to work a declared holiday will be paid at a rate equal to 1 ½ times their regular rate of pay in addition to holiday pay.
- G. Part-time employees shall receive 1 ½ times their regular rate of pay for working holidays.

VACATION

- A. Full-Time employees are entitled to vacation leave, after one full year of employment at the rate listed below. Vacation leave must be taken between anniversary dates.
 - 1 year of service 40 hours
 - 2-7 years of service 80 hours
 - 8-12 years of service 120 hours
 - 13 years or more of service 160 hours
- B. Insofar as possible, vacation leave shall be requested four (4) weeks in advance; vacation leave may be disapproved if the supervisor requires the employee's services at the requested time.
- C. No employee will be permitted to take vacation leave until they have met the eligibility requirement. Vacations shall be at full pay at the current rate of salary.
- D. The County Judge/Executive's office shall keep records of vacation leave for each individual employee.
- A. Employees absent because of sickness, injury or disability may use vacation leave during the time off only after accrued sick leave has been exhausted.
- B. All eligible vacation days will be paid at regular rate of pay upon termination of employment, provided that proper notice is given according to "RESIGNATION" in section 3.3.
- C. Vacation time cannot be taken in increments of less than 4 hours.

PERSONAL DAYS

- A. All full time employees are entitled to personal time with pay after one full year of service.
- B. The amount of personal time an employee has shall be determined as follows:
 - 1. Each employee with at least one (1) year of service but less than two (2) years of service will be entitled to eight (8) hours of personal leave with full pay per year.

2. Each employee with at least two (2) years of service but less than ten (10) years of service will be entitled to sixteen (16) hours personal leave with full pay per year.
 3. Each employee with ten (10) years or more service will be entitled to twenty-four (24) hours of personal leave with full pay per year.
- C. Insofar as possible, personal leave shall be requested one week in advance. Personal days may be disapproved if the supervisor requires the employee's services at the requested time.
 - D. Personal leave shall not be allowed to accumulate but must be taken between anniversary dates.
 - E. Personal leave will not be paid upon termination of employment.
 - F. Personal leave cannot be taken in increments of less than four (4) hours.
 - G. Personal leave cannot be taken with vacation leave or holidays.

COURT DUTY

The Fiscal Court feels that it is the duty of every citizen to serve jury duty when called. The Fiscal Court will grant necessary time to perform such duty at full pay. Employees will return jury duty pay to the county.

SICK LEAVE

- A. All regular full-time employees shall be granted four (4) sick hours per month. Employees must work one-hundred twenty (120) hours during the month to receive sick time for the month. Sick leave credit may be utilized by employees when they are **incapacitated** for the performance of duties due to **sickness or injury**. An employee may use up to forty (40) sick hours per calendar year in the event of serious illness in the employee's immediate family. The immediate family, for these purposes, shall include the parents, spouse, children, brothers and sisters in any case. In the event of sick leave for 2 or more consecutive days, the Judge/Executive or department head shall require a certificate of a medical doctor giving information as to the circumstances involved. Any abuse of this sick leave policy may result in disciplinary action up to and including dismissal.
- B. Employees shall be allowed to accrue an unlimited number of sick leave hours. Upon termination of employment by retirement after 15 years of service, the employee will be paid for unused sick leave at a rate of eight (8) hours for every forty hours (40) hours of accumulated sick leave. As an example: someone retiring with two-hundred

forty (240) hours of accumulated sick leave would be paid for forty eight (48) hours. Absence for part of a day that is chargeable to sick leave shall be charged proportionately in an amount not smaller than four (4) hours, unless approved by his or her supervisor.

- C. An employee may donate accumulated and unused sick leave to another employee within the county workforce by filling out the required form. Unused sick leave may be donated to another employee only after said employee has exhausted all vacation, personal and sick leave that they had accumulated. Donated sick leave can be used only for extended sick leave with a doctor's statement.
- D. The County Judge/Executive's office shall keep records of sick leave for each individual employee.

DISABILITY LEAVE

An officer or employee of the county who suffers injury as a result of a service connected accident shall, upon proper investigation and authentication, be granted leave and shall be entitled to compensation for the incident from the Fiscal Court's Workers' Compensation Agency.

MATERNITY LEAVE

- A. Maternity leave may be granted by the Judge/Executive for employees with a temporary disability due to pregnancy, childbirth, or any impairment thereof, and miscarriage for a period not to exceed three (3) calendar months. An additional period or periods may be granted if required by a medical doctor.
- B. The employee may use any accumulated sick leave, vacation leave, or personal leave and the remaining period of time will be time off without pay.

BEREAVEMENT (FUNERAL) LEAVE

- A. All full-time employees may receive twenty-four (24) hours funeral leave with pay in the event of a death in the immediate family. Immediate family for this purpose shall be deemed to include the parents, spouse, grandparents, grandchild, children, brothers, sisters, in-laws, step family or foster family.
- B. In the event an employee desires to extend leave beyond twenty-four (24) hours due to a death in the immediate family, the employee may use sick leave, vacation leave or time without pay upon receiving approval from the Judge/Executive.

SPECIAL LEAVE

- A. In addition to authorized leave, the Judge/Executive may authorize an employee to be absent, without pay, for personal reasons, for a period or periods not to exceed twenty-four hours (24) in any calendar year.

- B. The Judge/Executive may authorize special leave of absence, without pay, for full-time employees for any period or periods for the purpose of attending courses in training at recognized universities or colleges and for other purposes that are deemed to be beneficial to the county service.
- C. An extended leave of absence over twenty-four hours (24) must be approved by the judge/executive and reported to the fiscal court for approval.

MILITARY LEAVE

An employee occupying an established position within the County who is a member of the National Guard or any reserve component of the Armed Forces of the United States, or the Reserve Corps of the United States Public Health Service, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating or of any other rights or benefits to which they are entitled for a period not exceeding fifteen calendar days or ten (10) working days if the employee's position is based upon a six (6) day work week; fifteen days if the employee's position is based upon a seven (7) day work week, in any one federal fiscal year while in the performance of duty or training in the service of this state or of the United States under competent orders. (KRS 61).

FICA (SOCIAL SECURITY)

The county participates in the FICA program. The employees' contribution is matched as required by law.

HEALTH AND HOSPITAL INSURANCE

All full-time employees of the county may be provided with a medical insurance coverage plan as provided by the Fiscal Court. Effective July 1st, 1994, all full-time employees may be provided single medical insurance coverage and are subject to the following:

- A. The county and the employee pay appropriate shares of the cost of an individual policy, as determined annually by the Fiscal Court. County employees may purchase family coverage at group rates.
- B. All participating employees are subject to the terms and conditions of the group insurance plans provided by the county.
- C. For newly hired employees, health insurance coverage becomes effective the first day of the month after 90 days of employment. (Example: An employee who is hired effective May 15th is eligible to begin receiving insurance coverage effective September 1st of that same year).

UNEMPLOYMENT INSURANCE

The county pays the full amount for unemployment insurance.

WORKER'S COMPENSATION

The county pays the full amount of worker's compensation insurance.

DEFERRED COMPENSATION, 401-K, CAFETERIA, AND CREDIT UNION PLANS

County employees may elect to participate in a deferred compensation program, 401-K retirement program, Cafeteria Plan and a Credit Union Program. All costs related to participation in these programs are the responsibility of the employee.

KENTUCKY COUNTY EMPLOYEES RETIREMENT PROGRAM

The rates of this program change from time-to-time. The contribution rates for the County Employee Retirement System is mandated for both the county and the employee by the retirement system. The plan is fully vested after five (5) years of service. The county will contribute the amount required by CERS. All full-time and permanent part-time employees as defined by CERS must participate in the county employees retirement system. Any employee who works more than 100 hours per month must contribute to county retirement. All regulations controlling county employee retirement are found in KRS 78.

TRAINING AND CAREER DEVELOPMENT

The Judge/Executive may permit or direct the attendance of employees at meetings, conferences, workshops, or seminars intended to improve the knowledge, abilities, and skills of county employees. The Judge/Executive may release an employee from his regular duties during workdays to attend classes at a recognized institution of learning if, in the department head's judgement, such classes contribute favorably to the county's goals and objectives and the career development of the employee. Employees will be reimbursed for travel, food allowance (not to include alcoholic beverages) and hotel/motel charges. In the event that lodging is provided free of charge or included in convention or training fees, employees will not be reimbursed for any lodging, in all other instances lodging will be reimbursed at the rate set by the convention or training session. In order to receive reimbursement for meals and lodging, receipts must be turned in along with a county travel voucher. An executive order approved by the Fiscal Court will establish the reimbursement rates paid for mileage, lodging, and meals over the effective period of said order. This order is subject to change at Fiscal Court's will.

EXPENSE REIMBURSEMENT

Employees will be reimbursed for pre-authorized travel expenses incurred in the performance of their work, but not for commuting to and from the work place. Any costs incurred should be the most economical consistent with the county's best interest.

1. Any employee of the county incurring expenses for prior approved county related business shall be reimbursed as follows:
 - a. Official travel in privately owned vehicles shall be reimbursed in accordance with the rates as set forth in the Commonwealth of Kentucky's Travel Regulations.
 - b. Air travel shall not be first class unless other rates are unavailable. Under reasonable circumstances, or for necessary expediency, the Executive Authority may authorize other travel means.
 - c. Lodging shall be reimbursable at the actual expense. Receipts must be provided for all lodging.
 - d. Conference and registration fees shall be approved in advance by the Executive Authority, and may be prepaid when necessary and appropriate.
 - e. Use of rental vehicles must be approved in advance, or justifications provided that shows the use of such vehicle was more feasible than other types of available transportation.
 - f. An employee shall be reimbursed for meals only if the employee's travel requires overnight stay. Employees will also be reimbursed for meals at out-of-county required training. Amount of reimbursement will be in accordance with a Fiscal Court Resolution Dated _____.
 - g. Other necessary expenses which were unforeseeable prior to travel may be approved by the Judge/Executive upon presentation of documentation of the need for such expense.
2. Receipts for all expenditures shall be obtained and attached to the request for reimbursement, which must be completed as soon as possible upon completion of travel. All requests for reimbursement shall be signed by the supervisor.
3. Employees violating this section will be subject to appropriate disciplinary action.

PERFORMANCE EVALUATION

The Judge/Executive and each supervisor are responsible for appraising the performance and merit of personnel under their respective jurisdiction on a yearly basis.

POLITICAL ACTIVITY

An employee while in the service of the county is not required to contribute to any political fund or be denied the rights of political activity, as specified by the Kentucky Revised Statutes.

Section 3.5 – Job Classification

- A. The Judge/Executive will be responsible for the preparation of a descriptive job classification plan and compensation plan for all non-elected positions.
- B. Each job classification shall be in writing and include:
 - 1. Concise, descriptive title
 - 2. Description of the duties and responsibilities of each position in each classification.
 - 3. Statement of minimum and desirable qualifications for each position.
- C. All positions in a single class shall be sufficiently alike to permit use of a single title, description, qualifications and pay range.
- D. Whenever the duties of a position so change that no appropriate class for it exists, the County Judge/Executive shall:
 - 1. Prepare an appropriate class specification for it.
 - 2. Submit it to the Fiscal Court for appropriate reclassification.
- E. Reclassification of a position may not be used to avoid a restriction concerning demotion, promotion or compensation.
- F. The County Judge/Executive may create a new position with the approval of the Fiscal Court by amending this ordinance. In creating a new position, the County Judge/Executive may include:
 - 1. Describe in detail the duties and responsibilities of the position.
 - 2. Suggest minimum entrance qualifications for the position.
 - 3. Allocate the position to an appropriate class or create an appropriate class for the position, if necessary.

PAY PLAN

- A. All positions in the classification plan shall be compensated as set forth in the pay plan.
- B. The assignment of classes to a pay grade shall be based upon the relative level of difficulty of the duties and responsibilities of the class; the prevailing rates of pay for

the work involved in comparable, competitive public and private labor markets; and other pertinent wage and economic data.

- C. The schedule of wage rates and ranges and the pay plan adopted or subsequently modified shall be approved by the Fiscal Court by amending this ordinance.

PAY PLAN ADMINISTRATION

- A. A pay plan prepared as required by the Kentucky Revised Statutes and incorporated as part of this administrative code shall prescribe for each class a minimum and a maximum rate of pay, and all employees occupying positions in a class shall be compensated at a rate no less than the minimum and no more than the maximum amount of the grade in which the position is assigned.
- B. Periodically, preferably during the budget process, the County Judge/Executive or his/her designee may:
 - 1. Analyze fluctuations in the cost of living.
 - 2. Examine the wage range for each class of positions in the classified service to ascertain whether minimum and maximum wages should be raised or lowered for a particular class during the succeeding twelve months.
 - 3. Upon the basis of the comparison, analysis, and examination, submit to the Fiscal Court recommendations or amendments to the pay plan.
- C. Reclassification of an employee's position from one class to another of comparable pay range shall effect no change of wage for the employee.
- D. An employee whose position is reclassified from one class to a higher class may enter the higher class at its minimum wage, unless this minimum is lower than his/her wage at the time the reclassification is effected.
 - 1. If that wage exceeds the minimum, he/she shall continue to receive at least his/her present wage.
 - 2. If that wage exceeds the maximum, receive only the maximum.
- E. Whenever the County Judge/Executive submits to the Fiscal Court that a position be reclassified to a class that requires a higher wage, he/she shall likewise submit with it an estimate of the financial requirements of the wage increase that the reclassification would entail.
- F. In the event that an employee enters a higher class by promotion, the wage in the higher class shall be the minimum wage for that class, unless that minimum is lower than, or the same as, the wage at the time of the promotion. In the event, the County Judge/Executive shall determine what wage the employee shall receive within the pay range of the higher class.

- G. In the event an employee is demoted, the County Judge/Executive shall set a wage within the wage range of the class to which he/she has been demoted, but not less than Step 2 of the wage range for the class.
- H. For an employee transferred from a position in one class to a position in an equivalent class, the transfer shall effect no change in rate of pay.
- I. The County Judge/Executive and department heads shall periodically review the performance of each employee. The overall results of each employee performance evaluation may be used for the basis of granting promotions and/or pay increases. Any promotions or adjustments that will increase the expenses of the County requires a budgetary review and approval by the Fiscal Court.
- J. An appointee (hire) to a new or vacant position shall receive the minimum wage to the class to which the position is allocated, except that through written documentation the County Judge/Executive may cause the appointment to be made at a wage above the minimum , but not more than the maximum, for the class if:
 - 1. In cases of unusual difficulty in filling a position, or
 - 2. In hiring exceptionally qualified personnel.
- K. In no case will an employee be paid in advance for work time.

Section 3.6 – Categories of Employment

- A. All employees of the county shall be classified as full-time, permanent part-time, part-time, temporary or seasonal, and/or assigned. These categories are defined as follows:
 - 1. Full-time employees – An employee who works forty (40) hours per week on a regularly scheduled basis.
 - 2. Permanent part-time employees – Any employee who averages 100 or more hours per month.
 - 3. Part-time employees – Any employee who works less than 100 hours per month but on a regularly scheduled basis.
 - 4. Temporary or seasonal employees – An employee who works in a position which is of a temporary nature, typically not exceeding nine (9) weeks in a twelve-month period.
 - 5. Assigned employees – An employee made available to the County by another agency.
 - 6. Full-time employees shall be entitled to all benefits as provided in this Administrative Code. Part-time, seasonal, or temporary employees shall not be entitled to any benefits unless specified by resolution at the time of hiring.

Section 3.7 – Overtime

- A. In accordance with requirements of the Fair Labor Standards Act (FLSA), the Judge/Executive shall cause for the declaration of positions “exempt” or “non-exempt.” Non-exempt employees shall receive overtime payment at the rate of one and one-half times regular amount of actual hours worked in excess of 40 hours in any work week.
- B. Exempt employees shall not receive overtime payment for hours worked in excess of forty (40) hours in any workweek. Exempt personnel that are required to work over and beyond regular working hours, shall be reimbursed, by “comp” time at the rate of 1 ½ hours times the hours worked. Each exempt employee will be required to file proper records with the County Judge/Executive showing worked hours performed. Records are to be maintained by the County Judge/Executive for accumulated comp time.
- C. Time off with pay (such as vacation or sick leave) shall not be considered as hours worked for overtime pay purposes.
- D. Overtime work shall be approved in advance by the employee’s supervisor or the Judge/Executive whenever possible, and shall be kept at the minimum consistent with maintenance of essential county services and its financial resources.
- E. All supervisory positions are eligible for comp-time in lieu of over-time. All emergency personnel may accrue up to 480 hours before being paid overtime and all other supervisory personnel are eligible for only 240 hours comp-time in lieu of being paid over-time.

Section 3.8 – Affirmative Action

- A. The Pendleton County Fiscal Court is an Equal Opportunity Employer and maintains a policy of equal opportunity in employment and advancement without regard to race, color, religion, sex, age, or national origin. The Fiscal Court through a program of Affirmative Action insures that Equal Opportunities are available on the basis of individual merit and encourages all persons to seek employment and to strive for advancement of this basis.
- B. The Judge/Executive is responsible for the implementation of the Affirmative Action Policy of the county.
- C. The County/Judge/Executive shall maintain, in a current order, the following documentation:

1. Job classifications, with minimum requirements, based on tasks performed for each county position.
2. Roster containing name, position class, department, pay range, date employed and last promotion for each county employee.

Section 3.9 Drug Free Work Place

- A. It shall be the policy of the Pendleton County Fiscal Court that its workplace shall be drug-free in compliance with the Drug-Free Workplace Act of 1988 (PL 100-690, Title V, Subtitle D), including any future amendments. This publication provides details of this policy, a statement on dangers of drugs in the workplace, sources of information and assistance and is the basis of a form each employee is required to sign assuring compliance.
- B. It is the policy of Pendleton County that no employee shall engage in unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace. Controlled substances means a controlled substance in schedules I through V of the Controlled substances Act (21 U.S.C. 812), and as further defined by regulation at 21 CFR 1308.11 through 1308.15, including any future additions or amendments.
- C. The purpose of this policy is to avoid the dangers of drugs in the workplace and to advise employees of available sources of counseling, rehabilitation, and employee assistance.
- D. Each employee is notified hereby that they shall notify the County Judge/Executive within two (2) calendar days of any criminal drug statute conviction for a violation in the workplace. Within thirty (30) calendar days, the county shall take appropriate action.
- E. Employees found to be abusing drugs, but not convicted of any drug statute violation, will be subject to appropriate personnel action up to and including termination, or be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes. The employer is not required to pay for this rehabilitation.
- F. Any employee violating the terms of this policy is subject to immediate dismissal.

Section 3.10 – Unlawful Harassment

Pendleton County is committed to maintaining a work environment free of discrimination and harassment. In keeping with this commitment, we will not tolerate conduct that affects tangible job benefits, that interferes with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment. The County Judge/Executive will make periodic efforts to provide mandatory training on such topics, and may include other governing bodies in such training.

HARASSMENT DEFINITION

- A. Harassment on the basis of race, color, religion, gender, national origin, age or disability constitutes discrimination in the terms, conditions, and privileges of employment. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color religion, gender, national origin, age, or disability, or that of his/her relatives, friends, or associates, and that:
1. Has the purpose or affect of creating an intimidating, hostile, or offensive work environment.
 2. Has the purpose or affect of unreasonably interfering with an individual's work performance.
 3. Otherwise adversely affects an individual's employment opportunities.
- B. Harassing conduct includes, but is not limited to the following:
1. Epithets, slurs, negative stereotyping, threatening, or intimidating acts, that relate to race, color, religion, gender, national origin, age or disability.
 2. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, or disability and that is placed on walls, bulletin boards, or elsewhere on the employer's premise, or circulated in the workplace.

HARASSMENT – COMPLAINT PROCEDURE

Employees encountering harassment should tell the offending person that their actions are inappropriate and offensive. The employee shall document all incidents of harassment in order to provide the fullest basis for investigation. In addition, the employee shall notify his/her supervisor of the harassment, as soon as possible, so that steps may be taken to protect the employee from further harassment, and appropriate investigative and disciplinary measures may be initiated. If the employee does not feel it appropriate to contact their immediate supervisor in such an instance, the employee should contact the Judge/Executive of the County Attorney. If action taken does not satisfy the employee, he/she may file a grievance.

SEXUAL HARASSMENT – DEFINITION

- A. Sexual harassment deserves special mention. Inappropriate sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitutes sexual harassment when:
1. Submission to such conduct is either explicitly or implicitly made a term or condition of employment

2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual.
 3. Such conduct has the purpose or effect of reasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
- B. Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexual oriented "kidding" or "teasing", "practical jokes", jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, or pinching another's body.

SEXUAL HARASSMENT – COMPLAINT PROCEDURE

- A. All employees are responsible for helping to assure we avoid harassment. If an employee feels he/she has experienced or witnessed harassment, they are to notify their immediate supervisor or the County Judge/Executive. If the claim involves the County Judge/Executive, the employee should contact the fiscal court member who has been assigned through the continuity of government. Reports are to be made as soon as practicable, preferably within 24 hours, and preferably in writing. Oral reports, however, will also be taken in the case of unusually sensitive circumstances.
- B. The county will investigate all such complaints. To the fullest extent practicable, the County will keep complaints and the terms of their resolution confidential. If an investigation confirms that harassment has occurred, the County will take corrective action in accordance with the nature and extent of the offense.

HARASSMENT BY A THIRD PARTY – COMPLAINT PROCEDURE

- A. All employees are responsible for helping to assure we avoid harassment. If an employee feels he/she has experienced or witnessed harassment by a third party vendor or client, they are to notify their immediate supervisor or the County Judge/Executive. Reports are to be made as soon as practicable, preferably within 24 hours, and preferably in writing. Oral reports, however, will also be taken in the case of unusually sensitive circumstances.
- B. The County will investigate all such complaints. To the fullest extent practicable, the County will keep complaints and the terms of their resolution confidential. If an investigation confirms that harassment has occurred, the County will take corrective action in accordance with the nature and extent of the offense.

HARASSMENT AND SEXUAL HARASSMENT – FALSE ACCUSATIONS
PROCEDURE

- A. The County recognizes that false accusation of harassment and sexual harassment can have a serious effect on innocent men and women. Individuals falsely accusing another of harassment or sexual harassment will be disciplined in accordance with the nature and extent of his or her false accusation.

HARASSMENT AND SEXUAL HARASSMENT – EMPLOYEE INQUIRY
PROCEDURES

- A. The county encourages any employee to raise questions he or she may have regarding the harassment policy or sexual harassment with his or her immediate supervisor or the County Judge/Executive.

Section 3.11 – Family Medical Leave

- A. The Family and Medical Leave Act of 1993 does apply to all public agencies, including state, local and federal employees. However, employee eligibility is as follows; To be eligible for FMLA benefits, an employee must:
1. Work for a covered employer.
 2. Have worked for the employer for a total of 12 months.
 3. Have worked at least 1,250 hours over the previous 12 months.
 4. Work at a location in the United States or in any territory or possession of the United States where at least 50 employees are employed by the employer within 75 miles.

Section 3.12 – Employee Safety

COUNTY SAFETY PLAN

The county considers the safety of its workers a major responsibility. The county's policy is to provide the safest possible working conditions. Workers are expected to accomplish their work tasks in an acceptable, safe manner. The county recognizes the prevention of accidental injury to the workers will be successful only if there is support from the elected officials and department heads, adequate coordination and advice from staff members, and willing participation by workers. It is the responsibility of each worker's immediate supervisor to ensure every precaution is taken to provide a safe work place. The Pendleton County Fiscal Court shall cause to be in place a safety plan, which covers appropriate safety measures for county employees and officials in the performance of their duties.

PROOF OF LICENSE TO OPERATE MOTOR VEHICLES AND DRIVING RECORD

- A. At the time of employment, and at regular periods thereafter, each employee with job duties that require operation of a motor vehicle shall provide to the county proof of a license to operate such required vehicles. Any loss of motor vehicle license while under county employment that affects his/her ability to perform his/her said job description may be cause for termination or demotion.
- B. Any person committing a traffic violation must report said violation to his/her immediate supervisor upon conviction.

CHAPTER 4

POLICIES

Section 4.1 Drug and Alcohol Policy

A. PURPOSE

Pendleton County Fiscal Court is committed to providing a safe and healthful work environment for its employees and to conduct all operations in a safe and efficient manner. Safety in all facets of the operation is our number one consideration. The use of alcohol or illegal drugs in the workplace is incompatible with a safe work environment. Alcohol and drug abuse can adversely impact an employee's overall productivity and absenteeism.

Our goal is to strive for a work environment that is free from the effects of alcohol and illegal drugs. To achieve this goal, employees may be required to submit to alcohol and drug testing. The use of alcohol and drugs will not be tolerated in the workplace under any circumstance.

Because of the foregoing, Pendleton County Fiscal Court has developed this policy on alcohol and illegal drugs to maintain a drug and alcohol free workplace. This policy applies to all employees of the Pendleton County Fiscal Court, including but not limited to management-level employees.

B. COMPLIANCE WITH THIS POLICY IS A CONDITION OF EMPLOYMENT

1. ALCOHOL AND ILLEGAL DRUG WORK RULES

- a. An employee should never report to work under the influence of alcohol or illegal drugs.
- b. No employee may use, sell, distribute, possess, or receive alcohol or illegal drugs while on the job, on county business at any location, on county property or in county vehicles at any time (including during paid and unpaid meal periods during working hours.)
- b. The distribution or sale of illegal drugs at any time or any place will result in immediate discharge.
- d. Any employee who attempts to alter a drug or alcohol-testing specimen or otherwise manipulate the drug or alcohol testing process is subject to disciplinary action up to and including termination of employment.
- e. Any employee refusing or failing to comply with the drug-testing program will be considered as having voluntarily terminated their employment with the Pendleton County Fiscal Court.

B. PRESCRIPTION AND OVER-THE-COUNTER DRUGS

Employees should be aware that the use of certain prescription or over-the-counter drugs could also affect their ability to properly perform their job duties or create a risk to themselves or others. Therefore, employees are responsible to report such use to their immediate supervisor, if the employee ~~has been warned~~ believes that the therapeutic use may affect the employee's ability to perform job functions or create a safety risk to the employee or others. Employees should keep all prescribed medication in its original container, which identifies the drug, the date of the prescription, and prescribing doctor or be able to provide such information upon request. The supervisor will then decide if the employee should be actively working.

C. DRUG AND ALCOHOL SCREENING

1. PRE-EMPLOYMENT SCREENING/CONDITIONAL OFFERS OF EMPLOYMENT.

An offer of employment to any individual will be conditioned upon that individual passing a drug screen test. Should an individual refuse to take the test or fail the test, the offer of employment will be withdrawn.

2. EMPLOYEE DRUG AND ALCOHOL SCREENING

Employees may be required to submit to drug and alcohol screening test(s) under the following circumstances:

- a. State or Federal regulations require drug and/or alcohol screening. Such testing will be performed in conformance with the relevant law.
- b. Where the Judge/Executive and supervisor determines there is **reasonable** cause to believe that an employee is using, selling, distributing, in the possession of or under the influence of alcohol or illegal drugs on the job or where the Judge/Executive and supervisor determines there is a **reasonable** cause to believe that the use of alcohol or drugs has adversely affected an employee's job performance, had an adverse impact on Pendleton County or resulted in the employee jeopardizing the safety or property of other employees, personnel or the public.
- c. Post accident – when an employee has been involved in a workplace accident, which has resulted in injury or property damage.
- d. All employees may be tested from time to time for the presence of illegal drugs. Appointments for such testing will be arranged at random by the testing facility.

D. TESTING PROCUDURES/CONFIDENTIALITY

1. TESTING METHODOLOGY

- a. Pendleton County Fiscal Court shall ensure that drug and alcohol screening shall be conducted at a certified laboratory and through methods with proven reliability and in strict compliance with appropriate methodology.
- b. Upon random notification of a pending drug screening test by a certified laboratory, the County Judge's Office shall notify the employee's supervisor who shall in turn notify the employee. The employee upon receiving notification must sign a consent form stating he/she will complete the drug test within 24 hours of initial notification.

2. CONSENT FORM

Employees will be required to sign a consent form agreeing to submit to a drug and alcohol-screening test at the time the test is administered. These forms will be maintained on file with the testing facility. Refusal to sign a consent form will be considered refusal to take the test, and the employee will be considered to have voluntarily terminated his/her employment with the Pendleton County Fiscal Court.

3. CONFIDENTIALITY

All records and information regarding the administration and results of drug and alcohol screening results will be confidentially maintained and access permitted only to those specifically designated by management with need to know.

4. DISCIPLINE

Any employees, who as the result of drug and/or alcohol screening or random testing, if found to be under the influence of alcohol or illegal drugs will be considered to be in violation of this policy, regardless of when or where the substance entered the employee's system. Employees found to be in violation of any portion of this policy shall be subject to disciplinary action up to and including termination.

5. **ARREST OR CONVICTION FOR A DRUG RELATED OFFENSE**

- a. If any employee is arrested ~~on company property~~ for drug or alcohol abuse or for drug related offenses (except sale or distribution of illegal drugs) and returned to work pending resolution of the arrest (acquittal, conviction or plea) he/she will be subject to an immediate drug or alcohol screening test upon return to work. If the employee refuses the test, he/she will be considered to have voluntarily terminated his/her employment. If he/she submits to the drug or alcohol screening test and the result is negative, the employee will be returned to work pending resolution of the charges. If the drug or alcohol-screening test is positive, the employee will be subject to disciplinary action up to and including dismissal.
- b. Any employee arrested for drug or alcohol related reasons while not on County property or County business must report the arrest to his/her immediate supervisor. If the arrest is not reported, the employee is subject to discipline up to and including discharge from Pendleton County employment.
- c. The provision above shall not apply to employees arrested for the sale or distribution of illegal drugs as defined herein: any employee determined to be selling or distributing illegal drugs at any time or place shall be subject to immediate discharge.

E. **DEFINITIONS**

1. **"Under The Influence"** for purposes of this policy, means that a drug or alcohol or the combination of a drug or alcohol affects the employee in any detectable manner. The symptoms of influence are not confined to that consistent with misbehavior, nor to obvious impairment or physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of influence can be established by a professional opinion, a scientifically valid test, and in some cases, such as alcohol, by a layperson's opinion.
2. **"Illegal Drugs"** means any drug or substance (1) which is not legally obtainable; or (b) which is legally obtainable but has not been legally obtained. The term includes prescribed drugs or substances not legally obtained and prescribed drugs not being used for prescribed purposes in accordance with the prescription. It also includes marijuana.
3. **"Legal Drug"** means prescribed drugs and over-the counter drugs that have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

Section 4.2 Americans with Disabilities Act of 1990

A. AMERICANS WITH DISABILITIES ACT OF 1990

Pendleton County complies with the American with Disabilities Act of 1990 and subsequent revisions, which prohibits discrimination on the basis of disability and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment.

The county will provide reasonable accommodation to qualified individuals with a disability who, with or without an accommodation, can perform the essential functions of the job, unless the accommodation will impose an undue hardship for the county.

1. Any person (employee or citizen) who believes that he or she has been subjected to prohibited discrimination may personally, or by representative, file a complaint with the office of the County Judge/Executive or the Constitutional Officer who serves as the agency's executive authority. A person who has not personally been subjected to discrimination may also file a complaint.
2. When a person (citizen, applicant, or employee) believes he or she has been adversely affected by an act or decision by the county, and that such act or decision was based on disabled status, that person shall have the right to process a complaint or grievance in accordance with the following procedure:
 - a. Step One: An aggrieved person must submit a written statement to the County Judge/Executive, setting forth the nature of the discrimination alleged and facts upon which the allegation is based.
 - b. Step Two: The Judge/Executive shall contact the complainant no later than fifteen (15) working days after receiving the written statement to establish an informal meeting with the objective of resolving the matter informally. However, in no case shall the informal meeting be conducted sooner than five (5) working days nor more than thirty (30) calendar days after receiving the written statement. There shall be prepared a written documentary of the discussions at the informal meeting, which shall be preserved in the records of the Pendleton County Judge/Executive.
 - c. Step Three: Within thirty (30) working days of the informal meeting, the Judge/Executive shall issue a written decision on the matter to the complainant, the County Attorney, and the county's liability insurance carrier.
 - d. Step Four: If the complainant is not satisfied with the written decision, he/she may request reconsideration by the Fiscal Court by filing a written request within thirty (30) working days of receiving the County Judge's decision. The Judge/Executive or the Constitutional Officer shall

investigate, which may include holding a meeting with the complainant, and shall within thirty (30) working days of receiving the Level Two request issue a final, written decision to the complainant, Fiscal Court, County Attorney, and the county's liability insurance carrier.

3. Written documentation of the discussions held at the meeting(s) shall be prepared and shall be preserved in the records in the office of the County Judge/Executive.

Section 4.3 Discipline Policy

Pendleton County operates under a progressive system of discipline for its employees. This system includes, in ascending order, verbal reprimands, written reprimands, suspensions and terminations. Written reprimands, suspensions, and terminations will be placed in an employee's personnel file. This agency reserves the right to bypass any and all levels of discipline depending upon the severity of the employee actions as determined by the Judge/Executive and Fiscal Court.

Section 4.4 Use of county computer systems, Equipment and Facilities

County equipment, information systems, and facilities are provided for governmental use. Their unauthorized use, whether or not for personal gain, is a misappropriation of county assets. While Pendleton County may conduct routine audits to help ensure that county systems, networks and databases are being used properly, it is your responsibility to make sure that each use you make of any county system is authorized and proper.

Keep in mind that county computer systems, Internet access and email accounts are governmental tools. Very limited, reasonable and appropriate personal use of these tools is permitted if such does not:

1. Interfere with your or any other user's work
2. Adversely impact system performance
3. Violate any county procedure or policy

Inappropriate personal uses of county provided internet access, email and computer systems include but are not limited to:

1. Sending, receiving, downloading, displaying, printing or otherwise disseminating or accessing material that is sexually explicit, profane, obscene, harassing, fraudulent, racially offensive or otherwise unlawful.
2. Sending mass mailings or chain letters, spending excessive amounts of time on the internet for non-governmental purposes, playing games, engaging in online chat groups or otherwise creating unnecessary network traffic.

3. Using or copying software in violation of a licensee agreement or copyright
4. Posting information related to governmental or other county matters on the internet (e.g. chat rooms, message boards or by email), whether it is factual or a personal opinion
5. Using county systems or internet access in any way that is not in the best interest of Pendleton County
6. Using county systems or internet access in any way that violates any state law, federal law, or county regulations.

Pendleton County may monitor the use of its systems, equipment, tools, and other assets to ensure that they are being used consistent with governmental interests and in accordance with this policy. Accordingly, users should have no expectation of privacy. The fact that information is password protected or stored in a personal file does not make such information private to authorized personnel. As a condition of your employment, you consent to Pendleton County recording, monitoring, or otherwise accessing these assets.

Section 4.5 Cell Phone Policy

A. Cell Phone Fringe Benefit Taxing Policy

In the month of December each year, the County Treasurer calculates the annual amount of fringe benefit for each employee who is issued a county owned cell phone. The following process is used:

1. A month is randomly chosen and copies of all that months cell phone bills are copied.
2. The copies are distributed to the employees for them to mark all personal calls on their phone bill and return them to the County Treasurer.
3. The County Treasurer calculates a percentage of personal minutes per total minutes used for that month for each employee.
4. The percentage is multiplied by the total cost of the phone bill for that month for each employee to equal a dollar amount for personal usage.
5. That monthly dollar amount for personal usage is then multiplied by total months used that calendar year to equal annual cost of personal usage of each employees cell phone.
6. This annual cost is then entered under fringe benefit on the last payroll in December and the employee is taxed on this amount.
7. If an employee should terminate employment in the middle of a year, he or she will be taxed on their last paycheck for the current personal cell phone usage to date of that calendar year.

Section 4.6 Vehicle Use and Assignment

A. GENERAL RESPONSIBILITIES:

1. The County Judge Executive along with the Fiscal Court shall have overall authority to assign vehicles, monitor and amend policies and procedures, as necessary.
2. The department head shall be responsible for the proper assignment and use of vehicles assigned to his/her department.
3. The County Judge Executive may make specific exceptions to established policies in the event of a declared disaster or emergency situation, or other extenuating circumstances that may effect public services.

B. VEHICLE ASSIGNMENTS:

1. Vehicles owned, leased and operated under the Pendleton County Fiscal Court shall be assigned in a manner so as to maximize use and availability of vehicles necessary to provide public service. Vehicles are categorized in one of the following:
 - a. Departmental Assignment
Vehicles shall be assigned to specific departments for use by its employees in the conduct of their business. No vehicle or heavy equipment may be used for personal use.
 - b. Individual Assignments
Vehicles will be assigned to employees whose duties require them to spend more than seventy-five percent (75%) of their work hours in the field and employees who are required to be on an "on call" status. No vehicle or heavy equipment may be used for personal use.
 - b. Leased Assignments
Departments leasing county vehicles must comply with all aspects of these policies.

C. AFTER HOURS (HOME FLEET) ASSIGNMENTS:

1. The County Judge Executive may be provided a vehicle for use while in office when used for county business only. Use must be approved by no less than two Fiscal Court members under needed circumstances.

2. If the Judge Executive elects to provide his or her own personal vehicle in lieu of having a car furnished, he or she may be reimbursed at the standard mileage rate set by the Fiscal Court.
3. The County Magistrates may be assigned a vehicle for official county business at the discretion of the County Judge Executive. If a Magistrates elects to provide his or her own personal vehicle in lieu of having a car furnished, he or she may be reimbursed at the standard mileage rate set by the Fiscal Court.
4. Department heads and selected employees shall be allowed "home fleet" privileges due to their position responsibilities and need to respond to an emergency situation. This shall include, but not limited to the following departments: D.E.S., Public Works, Jailers, Animal Control.

D. DEPARTMENTAL AND DRIVER RESPONSIBILITIES:

1. Only Pendleton County Fiscal Court employees possessing a valid operators license are permitted to operate vehicles owned by the Pendleton County Fiscal Court.
2. Department heads and/or their designees are responsible for verifying that each affected employee possesses a valid operator's license, to be confirmed annually by July 1.
3. Department heads are required to assure that each employee that is required to have any additional or specialized (example CDL) operators license obtain the same.
4. Non-county employees shall not be transported in Pendleton County Fiscal Court vehicles unless necessary in the conduct of official business.
5. All Pendleton County Fiscal Court vehicles shall bear an equipment tag, county logo or an official license plate.

E. USES OF PENDLETON COUNTY VEHICLES:

1. Vehicles shall only be used in the conduct of official county business only, unless otherwise specifically exempted in this policy.
2. Traffic and parking violations are the sole responsibility of the operator.
3. Employees shall operate the vehicle in accordance with all existing state, federal and local laws. Operator and passengers shall utilize seat belts while vehicle is in operation.

4. Use of Pendleton County Fiscal Court vehicles in the following activities is absolutely prohibited:

- a. Driving under the influence of alcohol or other drugs.
- b. Any illegal, improper or abusive activities.

F. **USE OF "HOME FLEET" VEHICLES:**

1. Sworn law enforcement officers, jailers, public works, animal control officers and disaster and emergency services personnel shall have limited use of a Pendleton County Fiscal Court vehicle but have a responsibility to respond to off-duty calls if driving a Pendleton County Fiscal Court vehicle.
2. Whenever an employee is included in this chapter and is scheduled to be absent from work for more than two (2) days, other than scheduled days off, the vehicle shall be left in a secure location within Pendleton County.
3. "Home Fleet" vehicles shall be parked in a manner that will provide the greatest amount of security and safety.

G. **APPEARANCE AND CLEANLINESS:**

1. Department heads are responsible for ensuring compliance to established policies and procedures.
2. Enforcement of this guideline shall be the responsibility of the department head, who should develop guidelines for his/her department.

H. **MISUSE OF VEHICLES AND RELATED PENALTIES:**

1. Department heads are responsible for ensuring compliance to established policies and procedures.
2. All complaints or allegations of misuses must be logged and investigated by the department head and results forwarded to the County Judge Executive.
3. Employees alleged to have violated this policy shall have a hearing before the department head and the Judge Executive.
4. Employees found in violation of this policy shall be disciplined as recommended by the department head and the County Judge per the county's Administrative Code.
5. Employees involved in an accident where he/she is found negligent may be liable to the county, in an amount equaling the county insurance deductible.

6. Employees involved in any accident that results in vehicle damage, property damage or bodily injury, whether to the employee or the public, shall immediately report the accident to the Pendleton County Judge Executive's office at 859-654-4321 or by calling 911. Any employee involved in any type of accident shall be required to take a drug test within twenty-four hours of such accident.

Section 4.7 Whistleblower Policy

A. Whistleblower

A whistleblower as defined by this policy is an employee of the Pendleton County Fiscal Court who reports an activity that he/she considers to be illegal or dishonest. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures. Appropriate Pendleton County officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting or improper removal of county property through theft or deception.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his or her department head. The employee may also contact the County judge/executive or magistrate if he feels wrong doing is being committed by his or her department head. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination. Whistleblower protections are provided in two important areas – confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The Pendleton County Fiscal Court will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he or she is being retaliated against must contact the county judge/executive immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated. All reports of illegal and dishonest activities will be promptly reviewed and investigated, and the appropriate corrective action taken. Employees with any questions regarding this policy should contact the county judge/executive. If there is suspicion that there is wrong doing by the county judge/executive, the whistle blower is to contact the county attorney.

B. Reporting Procedures Example

Great care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is in progress. An employee who discovers or suspects fraudulent activity should immediately contact their immediate supervisor, when possible, and/or the county judge/executive. If considered necessary due to the nature of the issue, the county attorney should be contacted directly. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the county attorney. No information concerning the status of an investigation will be given to anyone without a legitimate need to know. The status of an investigation should be "I am not at liberty to discuss this matter." Under no circumstances should any reference be made to the allegation, the crime, the fraud, the forgery, the misappropriation, or any other specific reference. The reporting individual should be advised of the following:

1. Do not contact the suspected individual in an effort to determine facts or demand restitution.
2. Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the county judge/executive or county attorney.

Section 4.8 Dispatch Policy and Procedures Manual

A. Dispatch Policy and Procedures Manual

The Dispatch Policy and Procedures Manual is an addendum to this document and the context is approved by official action of the Pendleton County Fiscal court during a regularly scheduled meeting.

CHAPTER 5

PURCHASES AND CONTRACTS

Section 5.1 – Authorization of County Contracts

Every contract, change or amendments thereto, of the county shall be executed by the Judge/Executive.

Section 5.2 – Selection of Vendors and Contractors (Procedures for Sealed Bidding)

- A. The Judge/Executive shall place an advertisement in the newspaper of largest circulation in the county at least once, not less than seven (7) nor more than twenty-one (21) days before bid opening. The advertisement shall include the time and place the bid will be opened, and the time and place where the specifications may be obtained. If the durability of the product, the quality of service or other factors are to be considered in bid selection, such factors shall be stated in the advertisement.
- B. The Judge/ Executive shall open all bids publicly at the time and place stated in the advertisement; and shall select the lowest and/or best bid by a qualified bidder. If the lowest bid is not selected, the reasons for the selection shall be stated in writing.
- C. The Judge/Executive shall submit the bids to the Fiscal Court for final approval.
- D. The Judge/Executive shall sign the contract, if one is used.

Section 5.3 – Procedures for Determinations of Qualifications of Bidders

- A. Each bidder shall furnish in writing information pertaining to all contracts completed in the past two years and financial institutions used, if required.
- B. In the event the information is conflicting or incomplete the Judge/Executive shall make further inquiry of the bidder.
- C. The contractors who have demonstrated by past performance the ability to perform satisfactorily in accordance with contracts on a timely basis and have shown a sound financial structure shall all be qualified responsible.
- D. The Judge/Executive shall make a written determination as to the extent or responsibility of each bidder and shall maintain a list of those who qualify as responsible contractors for particular types of supplies, services and construction items.
- E. A new business may be exempt from the qualification requirements where circumstances warrant.

Section 5.4 – Procedures Prerequisite to Use of Negotiated Process

- A. The negotiated process may be used instead of advertisement for bids if the amount exceeds \$20,000, in the following circumstances: (as per KRS).
 - 1. An emergency exists
 - 2. Contract for professional services
 - 3. All bids received exceed the amount budgeted
 - 4. When no bids were submitted after completion of all items under section 5.2.
 - 5. When the purchase is less than \$20,000 and no advertisement is needed.
- B. Before an emergency is declared the Judge/Executive shall determine whether or not the delay in obtaining bids will result in danger to health, safety, or property.
- C. The Judge/ Executive shall certify the existence of any emergency and files a copy of such certification with the clerk of the fiscal court.
- D. In the event all bids submitted are in excess of funds available, the Judge/Executive shall prepare a written determination that there are no additional funds available so as to permit an award to the responsible bidder with the lowest and best bid and delay on the advertising for additional bids is not in the best interest of the county.
- E. A professional service is one performed by a licensed professional and an activity for which the license is required.
- F. All procedures shall comply with the Kentucky Revised Statutes.
- G. Advertisement is only required for purchases over \$20,000. Purchases under \$20,000.00 may be bid at the discretion of the Judge Executive and/or the Fiscal Court.

Section 5.5 – Procedures for Negotiated Process

- A. When the prerequisites have been met for use of the negotiated process, the Judge/Executive shall proceed to negotiate with one or more suppliers in order to obtain the most advantageous terms for the county.
- B. The Judge/Executive shall prepare a record of all negotiated contracts, showing the items and quantities acquired, name of suppliers, cost and date of contract.
- C. Professional services shall be negotiated with such persons as are properly licensed to perform such services.

- D. Where more than one bid was received and all were in excess of the amount available, the lowest three bidders shall be notified that the county desires to negotiate a contract for a lesser amount based on revised quantities or specifications and fix a time limit for submission of proposals.
- E. The Judge/Executive shall examine the proposals received and shall negotiate with the suppliers for the terms most advantageous to the County.
- F. The best-negotiated proposal shall be submitted to the Fiscal Court for approval and award.

Section 5.6 – Small Purchase Procedures

- A. The Judge/Executive determines the need for any time requested and whether or not the contract is for less than \$5,000 and the expenditure is provided for in the budget.

Section 5.7 – Procedures for Disposition of Surplus Property

All property declared surplus shall be disposed of in the following manner:

1. Surplus property will be made available to other county agencies by transfer.
2. Any excess surplus property that is not transferred to another county agency, shall be disposed of at public auction, by sealed bids, or through negotiations as approved by the Fiscal Court in accordance with KRS 67.

CHAPTER 6

OPERATIONS OF THE FISCAL COURT

Section 6.1 – Procedures for Meetings of Fiscal Court

- A. Regular meetings of the Pendleton County Fiscal Court shall be held on the second and fourth Tuesday of each month at 7:00 PM. Caucus meetings shall be held on the Friday preceding each Fiscal Court Meeting at 9:00 AM. These meetings are subject to change with proper notification and as determined by the Fiscal Court through the passage of a Fiscal Court Resolution.
- B. If the regular meeting days or date falls on a legal holiday, the meeting shall take place on a date agreed upon by the Judge/Executive and the Fiscal Court.
- C. All meetings of the fiscal court at which any public business is discussed or any action taken shall be open to the public at all times except as otherwise permitted by KRS 61.
- D. The Judge/Executive may call a special meeting of the fiscal court for the purpose of transacting any business over which the fiscal court has jurisdiction.
- E. Whenever the Judge/Executive is unable, or refuses to act, a majority of the fiscal court may call a special meeting, if, in their opinion, the need exists.
- F. Notice of the special meeting must be at least 24 hours prior to the time of the meeting.
- G. It shall be the responsibility of the Judge/Executive to prepare and distribute the proper notices.

Section 6.2 – Presiding Officer

- A. The County Judge/Executive shall be the presiding officer of the fiscal court at all regular and special meetings.
- B. If the County Judge/Executive is not present or able to preside, the Fiscal Court shall follow the continuity of governance, as previously adopted by the Fiscal Court.

**Section 6.3 – Quorum – Majority of Fiscal Court required to pass ordinance –
Emergency acts – Effective date**

- A. Unless otherwise provided by statute, a majority of a fiscal court shall constitute a quorum and a majority of a quorum shall be sufficient to take action, except that a majority of the fiscal court shall be required to pass an ordinance. No meeting shall be held by the fiscal court without notice to all members thereof, unless a meeting is called as an emergency meeting.
- B. A majority of the fiscal court may declare an emergency to exist by naming and describing the emergency, and thereafter may adopt a county ordinance to address that emergency without regard to the requirements of KRS 67.
- C. All county ordinances and other official actions shall state the effective date thereof.

Section 6.4 – Disturbing Meetings

- A. No person shall disrupt any meeting of the fiscal court. Upon disruption, any such person shall be subject to removal upon the determination of the presiding officer.
- B. Any person violating any provision of this section may be prosecuted under the appropriate provisions of the Kentucky Penal Code.

Section 6.5 – Order of Business

- A. The following shall be included in each meeting of the Fiscal Court, with the order to be determined at the discretion of the Judge/Executive.
 - Call to order
 - Prayer and pledge
 - Reading of minutes of previous meeting
 - Treasurer's report
 - Business items
 - Payment and transfer of bills
 - Adjournment.
- B. The County Judge/Executive shall prepare an agenda for each regular fiscal court meeting and it shall be made available 48 hours in advance of the meeting.
- C. The agenda may be amended with approval by a two-thirds majority of the fiscal court members in attendance.
- D. The Judge/Executive shall prepare an itemized list of all valid bills requiring fiscal court approval.

Section 6.6 – Fiscal Court Records and Minutes

- A. The clerk of the fiscal court shall attend all meetings of the fiscal court and keep a full and complete record of its proceedings.
- B. The clerk of the fiscal court shall keep an index of all fiscal court records and make such index and records available for public inspection in accordance with KRS 61.

Section 6.7 – Rules of Order

- A. Except when in conflict with these regulations, Robert's Rule of Order shall govern the deliberation of the fiscal court.
- B. The rules of order, other than those prescribed by statute, may be suspended at any time by consent of a majority of the members present at the meeting.

Section 6.8 – County Ordinance, Orders and Resolutions

- A. An ordinance means a general act of the fiscal court enforceable by law or an appropriation of money; all other acts or orders of resolutions.
- B. All ordinances shall be introduced in writing; relate to one subject only; and contain a title which expresses the subject; such as, "An Ordinance relating to"
- C. There shall be inserted between the title and body of each county ordinance an enacting clause written in the following manner: "Be it ordained by the Fiscal Court of the County of Pendleton, Commonwealth of Kentucky."
- D. County ordinances shall be amended by ordinances and only by setting out in full each amended section.
- E. No county ordinance shall be passed until it has been read on two separate days, unless an emergency is properly declared, but ordinances may be read by-title and a summary only.
- F. No county ordinance shall be passed until it has been published pursuant to KRS Chapter 424. Prior to passage, ordinances may be published by summary. Publication shall include the time, date, and place at which the county ordinance will be considered, and the place within the county where a copy of the full text of the proposed ordinance is available for public inspection. In the event consideration for passage is continued from the initial meeting to a subsequent date, no further publication is necessary provided that at each meeting the time, date and place of the next meeting is announced.
- G. All county ordinances and amendments shall be published after passage and may be published in full or in summary form at the discretion of the fiscal court.

Section 6.9 – Capitalization Policy

The policy of the Pendleton County Fiscal Court is to capitalize assets when the useful life is greater than one year and the acquisition cost meets the capitalization threshold.

Purchased or constructed capital assets and infrastructure are reported at acquisition or construction cost or estimated historical cost. Donated capital assets are recorded at their estimated fair value at the date of donation.

Capital assets and infrastructure are capitalized and depreciated as outlined in the attached capitalization threshold table for the Pendleton County Fiscal Court.

Assets will be depreciated on the straight-line basis over their estimated useful lives as outlined below.

The useful life table below shows the useful life by asset type for the Pendleton County Fiscal Court.

Asset	Useful Life (Expressed in Years)
Land Improvements	10-60
Buildings and Building Improvements	10-75
Machinery and Equipment	3-25
Vehicles	3-5
Infrastructure	10-50
Intangibles	2-40

Capitalization Threshold Table

	<u>Tracking and Inventory</u>	<u>Capitalize and Depreciated</u>
Land	\$1	Capitalize Only
Land Improvements	\$1	\$12,500
Buildings	\$1	\$25,000
Building Improvements	\$1	\$25,000
Construction in Progress	\$1	Capitalize Only
Machinery and Equipment	\$50	\$1,000
Vehicle	\$50	\$1,000
Infrastructure	\$10,000	\$20,000

CHAPTER 7

COUNTY ROAD DEPARTMENT

Section 7.1 – Establishment of Department

- A. There is hereby created and established a county road department consisting of a county road supervisor and such employees of said department as may from time to time provided for by the Judge/ Executive and fiscal court.
- B. The county road supervisor shall be appointed by the Judge/Executive with the consent of the fiscal court.
- C. The County Judge/Executive shall set the number of and compensation of all employees of the road department.
- D. All appointments to the road department, and removals therefrom, shall be made by the Judge/Executive in accordance with the provisions of this code.

Section 7.2 – Duties of the Road Supervisor

- A. The county road supervisor shall be the head of the road department subject to the order and direction of the Judge/Executive.
- B. The road supervisor shall be responsible for the performance of the road department and its functions, and all persons who are employees of the road department shall be subject to the supervision and direction of the road supervisor.

Section 7.3 – County Road Inventory/Condition

- A. The Judge/Executive shall maintain a map that clearly identifies all county maintained roads.
- B. The county road supervisor shall contact all area utilities relative to their planned activities prior to surfacing or resurfacing any county road.

Section 7.4 – Specifications for County Roads and Subdivision Streets, which are not governed Under the Pendleton County Subdivision Regulations

- A. Roads may be accepted into the county road system and forwarded to the Department of Transportation Rural and Municipal Aid Program at the county's discretion, subsequent to the specific minimum requirements set forth in this code, and/or state law, being met.

- B. Prior to fiscal court consideration of a road for acceptance into the county road system, the county road supervisor shall certify that the following minimum specifications have been met or exceeded.
1. Surveyed -- Center line and legal description of proposed road has been prepared by a licensed KY registered land surveyor.
 2. A copy of all deeds and a certification of title certifying good, marketable and fee simple title of the right of way proposing to be deeded to the county.
 3. Certification by the property owners that fences, buildings, gates and cattle gates have been removed from the proposed county road and right of way.
 4. Road right-of-way have a minimum of thirty (30) ft.
 5. Road banks shall be stabilized and grass or other suitable cover in place.
 6. Road surface shall be smooth and properly graded and crowned.
 7. Compacted sub-grade, approved by county road supervisor.
 - 7.5 Road surfaces shall be at least 12 feet in width or essentially the same width as the existing county road which is proposed to be extended by any such adoption and incorporation of such new road or section, whichever is a greater width.
 8. 6" of base material to be put in two lifts, must be 6" after compacted.
 9. 2" of bit-asphalt binder after rolling, approved by county road supervisor.
 10. 1" of bit-asphalt surface after rolling, approved by county road supervisor.
 11. Drainage ditch and pipe size will be determined by county road supervisor.
 12. The said road has to have county road supervisor's approval before the Pendleton County Fiscal Court will consider taking said road into county maintenance program.
- C. Subdivision streets may be accepted into the county road system after certain specifications are met.
- D. Prior to fiscal court consideration of a subdivision street for acceptance into the county road system, the county road supervisor shall certify that the following minimum specifications, or above minimum specifications if deemed necessary by the county road supervisor, have been met or exceeded:
1. There shall be a deeded or dedicated 30 feet of right of way.

2. Street surfaces shall be at least 18 feet in width.
 3. There shall be a two (2) foot shoulder between street and ditch line.
 4. Topsoil shall be removed, sub-soil shall be leveled and free of soft areas. Any fill dirt shall be compacted.
 5. Drainage and culvert pipe shall be installed to assure proper drainage. Drainage pipes at a minimum of 12 inches in diameter, to be a least 16 gauge coated steel, at a minimum of 20 feet in length.
- E. All phases of construction shall be inspected and approved by the county road supervisor or representative of the Pendleton County Fiscal Court.
1. 2 inches of dense grade leveled and rolled, 5 inches of reinforced concrete of a least 3,500 lb. Mix.
 2. 4 inches of #2 stone, 2 inches of dense grade gravel leveled and rolled, 4 inches of reinforced concrete at least 3500 lb.
 3. 4 inches of #2 stone, 3 inches of dense grade gravel and rolled, 2 inches of bituminous asphalt base mix, 2 inches of bituminous asphalt surface mix.
- F. The Pendleton County Fiscal Court shall reserve the right to determine the number of dwellings on streets that should constitute a subdivision.

Section 7.5 – Private Drive Connections to County Roads

- A. Any person wishing to abut a private drive to a county road must first contact the Pendleton County Planning and Zoning Administrator.
- B. Pendleton County Planning and Zoning Administrator must review the entrances of a private drive for line of sites; need of culvert and need for ditching.
- C. After review of the drive the zoning administrator will set standards needed to locate and qualify such drive.
- D. In order for a private drive to receive approval all specifications as established by the road supervisor must be met.
- E. Culvert and gravel if needed will be installed by the county road department at the expense of the property owner or contractor. The cost of culvert and gravel is set by the Fiscal Court and is subject to change from time to time through action taken by the Fiscal Court.

F. If at any time the zoning administrator determines that a culvert of any type is needed at an intersection of a private drive and a county road and the owner fails to remit total cost of installation to the county, the county may take the following action:

1. Ninety (90) days after the installation of the aforementioned culvert and after notifying the owner by certified mail of his obligation to pay for the installation of said culvert, the county attorney may through the powers of this ordinance, place a statement of lien on the premises where the culvert was installed equal to the cost of installation.
2. The County Attorney may file with the County Clerk the aforementioned statement of lien to constitute an encumbrance on the title to the land. This statement shall contain a legal description of the premises, the expenses and costs incurred, the date the culvert was installed, and a notice that the County claims a lien for this amount. Notice of the lien claim shall also be mailed by certified mail to the Owner or Owners of the property concerning which the culvert was installed. The lien shall accrue interest at a rate which will be calculated by adding one (1%) percent to the interest rate the county receives on its checking accounts, adjusted on the annual anniversary of the filing of the lien. It may be enforced at any time thereafter as in the nature of a mortgage.

Section 7.6 – Road Department Property

- A. Employees of the department shall be responsible for the good care of departmental equipment and property, assigned to their use and keeping and shall promptly report to their supervisor the loss or damage to or unserviceable condition of such property.
- B. Any employee found guilty of damages to or destruction of departmental property or equipment, either through willfulness or negligence, shall be required to pay all costs of repairs or replacement thereto.
- C. No departmental property or equipment shall be used for private purposes or on private property.

CHAPTER 8

CLASS SPECIFICATION AND POSITION DESCRIPTIONS

ANIMAL CONTROL OFFICER

- A. Pick up and maintain all stray dogs
- B. Feed and water dogs daily
- C. Keep all required documents current and provide monthly reports to Fiscal Court
- D. To have any adoption policy
- E. Assist local veterinarian and perform euthanasia of dogs with compassion
- F. Follow all requirements of animal control ordinances
- G. Keep kennels clean
- H. Assist in responding to call 24 hours a day 7 days a week
- I. Hours of work shall not exceed 40 per week unless approved by the Judge/Executive

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

JANITOR

- A. Clean offices daily
- B. Open and close courthouse
- C. General maintenance of building
- D. Order maintenance supplies
- E. Maintain overall appearance

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

DISPATCH COORDINATOR/EMERGENCY MANAGEMENT DIRECTOR

- A. The Pendleton County E911 Coordinator maintains and administers the E911 system to assist all emergency services for Pendleton County, the City of Butler, the City of Falmouth and the health, welfare and safety of the citizens of Pendleton County. The E911 Coordinator is responsible for receiving and relaying information to assist in addressing the county. Job responsibilities include but are not limited to:
 - 1. Develop and post work schedules
 - 2. Schedules all training and provides in-service training for dispatchers
 - 3. Investigates complaints against telecommunications personnel
 - 4. Performs daily database updates

5. Coordinates efforts between phone companies, post offices, mayors, county judge executives' office, and other related agencies to ensure ordinances, policies and procedures are in place to protect database accuracy and the system's integrity.
6. Drafts and enforces E911 policies and procedures
7. Prepares reports on major projects and daily operations for Fiscal Court
8. Receives all incoming communications
9. Records and maintains daily communications
10. Operates LINK/NCIC computer
11. Attend required training

B. The Pendleton County Emergency Management Director shall have all the powers, authorities, rights and duties as outlined and described in KRS 39B.

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

E-911 DISPATCHERS

JOB DEFINITION: Performs all duties required of the Pendleton County E911 Center in a manner, which provides for the safety, health and welfare of the citizens of Pendleton County, emergency services personnel and other agencies within the county.

REQUIREMENTS: Must be 21 years of age. High School graduate or its equivalent. Must be able to attend required training courses in the required amount of time. Must pass initial and random drug test.

DUTIES: Perform all duties as required by the E911 Coordinator including but not limited to:

1. Receiving, processing and dispatching calls and messages
2. Perform clerical duties related to the operation of the E911 center
3. Communicate accurately with other city and county employees, officers, other agencies and the general public
4. Quickly and accurately perform clerical office duties
5. Ability to operate radio-telephone receiving and transmitting equipment
6. Ability to manage several work assignments at one time
7. Ability to handle life threatening situations
8. Ability to appear for work and complete assigned tasks within a reasonable amount of time

REPORTS TO: The E911 Coordinator and is subject to his/her authority and direction.

SOLID WASTE COORDINATOR

The Pendleton County solid waste coordinator maintains and administers a system to assist the citizens, businesses and other organizations of Pendleton County, and the incorporated cities therein to reduce, recycle and dispose of solid waste in a safe, economical and lawful manner while protecting the public health and welfare, preventing the creation nuisances, conserve our natural resources, preserve and improve the beauty and quality of our community. Job responsibilities include but are not limited to:

- A. Monitor landfill operations
- B. Inform community about solid waste issues through forum, school and homemaker presentations
- C. Monitor Pendleton County Recycle program to include batteries, propane tanks, paint, used oil and antifreeze, tires, paper, plastics, cardboard, etc.
- D. Responsible for filing annual solid waste report to Division of Waste Management.
- E. Advisor to Pendleton County 109 Board
- F. Supervise Pendleton County Litter Abatement Program
- G. Community Service Supervisor
- H. Monitors free day at the landfill for Pendleton County
- I. Ensures Pendleton County stays in compliance with five- (5) year solid waste management plan.
- J. Investigates illegal dumping, junk vehicles, and complaints for citizens
- K. Assists Division of Waste Management field office
- L. Manages Pendleton County Tire Amnesty Program
- M. Enforces and cites for compliance in regards to The Pendleton County Nuisance Ordinance.

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

ADMINISTRATIVE ASSISTANT

BASIC FUNTION:

To assist the managing operations of the County Judge's office by performing a wide variety of specialized and responsible secretarial and administrative support duties.

REPRESENTATIVE DUTIES:

- A. Attend meetings and report back to county judge
- B. Administer projects such as 911 and Jail
- C. Assist in making arrangements for meeting and appointments for judge
- D. Attend fiscal court meetings
- E. Compile and organize magistrates' packets and mail

- F. Receive, process and route judge's mail
- G. Schedule courthouse calendar
- H. Assist in compiling and preparing fiscal court agendas; responsible for publication in local paper prior to fiscal court meetings
- I. Maintain various office files and records
- J. Coordinate all county special districts
- K. Maintain confidential information
- L. Maintain County Judge's calendar and answer telephone
- M. Assist in creating letters by applying correct English usage, grammar, punctuation, spelling and vocabulary
- N. Learn Microbooks and Fiscalpay in order to backup payroll clerk and finance officer
- O. Operate a variety of office equipment including computer, typewriter, calculator, copier and fax machine.

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

PENDLETON COUNTY TREASURER

The County Treasure shall adhere to and comply with all duties, requirements and directives as outlined and described in KRS 68 and shall keep all records and documents as required by the Uniform System of Accounts for Kentucky Counties.

The treasurer is not authorized to designate anyone to sign checks on their behalf.

REPORTS TO: Directly reports to the Fiscal Court for directions and ultimate authority.

PENDLETON COUNTY FINANCE OFFICER

A County Judge/Executive is required to keep certain records and make certain reports. Most County Judge/Executives delegate this to a person known as the Finance Officer or administrative assistant. Their duties would be as follows:

1. Receive all county claims, then prepare a master claims list to present to the fiscal court
2. Prepare all checks on claims reviewed by the fiscal court.
3. Maintain an Appropriation Ledger

4. Be responsible for county's quarterly financial statement, pursuant to KRS 68.360
5. Reconcile the appropriation ledger with the treasurer's appropriation ledger at least once a month
6. Issue purchase orders and maintain a purchase order log
7. Maintain time records (vacation/sick)

Under no circumstances should a facsimile stamp be used by the finance officer.

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

PENDLETON COUNTY DEPUTY JUDGE/EXECUTIVE

The County Judge/Executive may appoint a deputy. This appointment does not need the approval of the Fiscal Court. The Deputy County Judge/Executive may take on all the administrative powers and responsibilities of the Judge/Executive, but he may not act for the office holder at meetings of the fiscal court unless he/she is a member of the fiscal court (KRS 67)

The Attorney General has held that a Deputy County Judge/Executive has no authority to solemnize a marriage in Kentucky (OAOG 82-145)

PENDLETON COUNTY ROAD SUPERVISOR

JOB DEFINITION: The County Road Supervisor shall oversee the repair, maintenance and minor construction of County Roads that are covered under the Department of Transportation's Rural and Municipal Aid Program. The Road Supervisor shall also be responsible for maintaining county bridges, culverts and other types of water fords to the extent of new construction where affordable and possible.

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

COUNTY ROAD EMPLOYEE

JOB DEFINITION: Performs all duties as required of the Pendleton County Road Department in a manner which supports the department in its efficient and effective service to the community.

PHYSICAL REQUIREMENTS: Must be physically capable to operate heavy equipment, and lift a minimum of 50 pounds. Additionally, individual must be able to bend, lift, squat, walk long distances, and have normal vision (with correction).

REPORTS TO: The County Road Supervisor and is subject to his authority and direction.

DUTIES:

1. Performs all duties as required by the County Road Supervisor, including but not limited to driving trucks, operating heavy equipment, physical labor (approximately 80% of work load.)
2. Complies with Human Resources policies as indicated in the Administrative Code
3. Complies with Commercial Drivers' License (CDL) Drug and Alcohol Testing Policy.

QUALIFICATIONS:

1. Must have a CDL license
2. Must have a safe driving record
3. Must pass initial and random drug testing

INFORMATION TECHNOLOGY DIRECTOR

JOB DEFINITION: Repair, upgrade and install information technology when needed for all part of county government that the Judge/Executive and/or fiscal court deem necessary and to train, where needed, those who may use such technology.

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

QUALIFICATIONS: Must have vast knowledge of Microsoft Software and other software products along with an ability to service and repair hardware (none specific) and network computer systems.

ZONING ADMINISTRATOR

JOB DEFINITION: Administer the Pendleton County zoning ordinance along with issuing zoning permits, citations for zoning violations, field work for zoning compliance, act as staff for the Pendleton County Joint Planning Commission and staff for the Pendleton County Board of Adjustments and when needed, administer Pendleton County Subdivision Regulations.

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

QUALIFICATIONS: Must have knowledge of zoning administration, along with the ability to meet and work with the public and willing to progress with suitable training in order to be better capable and more efficient in job performance.

BUILDING INSPECTOR

JOB DEFINITION: Inspect and enforce buildings codes on structures and buildings as outlined in the Pendleton County Buildings Codes and to issue citation for those not in compliance or who are not willing to come into compliance with such building codes.

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

QUALIFICATIONS: Must have knowledge of building code enforcement, along with the ability to meet and work with the public.

PAYROLL CLERK

JOB DEFINITION: Input employee information, gathering withholding forms and deductions from employees/departments. Input wages, salaries, training and expense hours through payroll processing, noting changes/increases when necessary. Process departmental liability checks, monthly, quarterly and annual tax returns and reports. Reconcile bank statements.

REPORTS TO: Reports to County Treasurer for payroll wage/hour review and to Judge Executive and the Fiscal Court for ultimate approval.

QUALIFICATIONS: Must have general knowledge of payroll accounting along with a knowledge of required local, state and federal forms and returns.

OCCUPATIONAL TAX ADMINISTRATOR

JOB DEFINITION: Aid taxpayers with establishing Occupational Tax account. Prepare and provide applicable taxpayers proper forms with which to remit payment to county. Input data into system with corresponding deposit to County Treasurer. Review quarterly and annual tax returns, W-2s/W-3 and Annual Reconciliation for tax year ended. Communicate any adjustments, corrections or other issues/ errors to taxpayers.

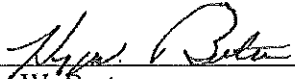
REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

QUALIFICATIONS: Must have good understanding of Pendleton County Occupational License Tax Ordinance 430.0. Must have excellent written and oral communication skills along with knowledge of tax collection.

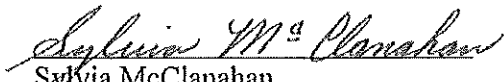
SUMMARY READING AND PUBLICATION:

This ordinance shall be read and published by summary.

ADOPTED BY THE PENDLETON COUNTY FISCAL COURT ON June 23, 2009


Henry W. Bertram
Pendleton County Judge/Executive

ATTEST:


Sylvia McClanahan
Pendleton County Fiscal Court Clerk

First Reading: (By Summary)	<u>June 9, 2009</u>
Second Reading: (By Summary)	<u>June 23, 2009</u>
Passage:	<u>June 23, 2009</u>
Publication:	<u>June 30, 2009</u>